

INDEX

A

	Page
Abandoned property, state laws.....	1867–69
Abortion:	
Advertising of.....	1253
Constitutional right to.....	1905–17
Demonstrations, protests outside clinics.....	1338–40
Indigent women, right to public assistance.....	1910–11
Parental consent to minor's.....	1908, 1914
Partial birth abortions.....	1914–15
Spousal consent.....	1908, 1914
Threats against abortion doctors.....	1281–82
Absentee voting.....	2158
Abstention doctrine.....	859–61
Academic freedom.....	1213–18
Access to ballot, equal protection.....	2159–61, 2163, 2188–89
Access to broadcasting, press.....	1265–69
Access to courts by litigants.....	1980–81, 2183–85, 2190–92
Access to courts by public, press.....	1236–42
Access to prisons by public, press.....	1242–46
Accusation, notice of, specificity.....	1628–29
Act of state doctrine.....	582, 603, 748
Addiction, drug, alcohol, punishment.....	1728–29
Administrative agencies:	
Adjudication by.....	655–57
Combination of functions.....	1937–38
Decisionmaking, bias in.....	1937–38
Delegations to.....	76–77
Due process in.....	1547–49, 1951–52
Presidential creation, status.....	461–62
Administrative inspections, searches.....	1380–85
Administrative Procedure Act.....	86, 723–25
Administrative regulations:	
Judicial review of.....	79, 1547–49
Modification of congressional legislation by.....	86–87
Violations of, how punished.....	92–93
Admiralty, federal court jurisdiction in:	
Airplane crashes and.....	793
Congress, powers.....	359, 788–90
Contracts, maritime.....	790, 792
Federal-state powers, exclusivity, concurrency.....	796–802
Jury trial and.....	790, 795
Prize cases.....	790–91, 793–94
Proceedings in.....	794–95
Saving to suitors, state court jurisdiction.....	794, 796–97, 853–54
Seamen, rights as to contracts, maritime torts, etc.....	790, 792–94, 797–802
Territorial reach of power.....	795–96
Types of cases under.....	790, 792–94
Wrongful death, maritime, actions for.....	801–02

Admiralty:	
maritime torts.....	793
Adoption of children.....	918, 2140
Advertising:	
Commercial speech.....	1252–62
Public forum, access.....	1322
Public issue advertising.....	1266–67, 1284–86
State regulation, equal protection.....	2084
Advice and consent.....	542, 548–49
Advisory opinions.....	660, 662, 694–95, 726–27
Advocacy, permissible governmental limitation.....	1147, 1149–57, 1159, 1165–66, 1187–91
Affirmative action.....	2118–25, 2144–46
Affirmative defenses, criminal trials.....	2009–10
Age classifications:	
Equal protection and.....	2065
Right to vote, 18-year-olds.....	2277
Agriculture, production, marketing, commerce.....	225–26
Air Force. <i>See</i> Armed forces.	
Airplanes, state taxation, jurisdiction.....	257–58, 989–90, 1881
Airports, state regulation of flight times, preemption.....	997
Alcoholic beverages. <i>See</i> Intoxicating liquors.	
Alcoholism, criminal liability for.....	1729
Alibi defense, burden of proof, discovery.....	2002, 2010–11
Alien and Sedition Acts.....	276, 758, 1130–31, 1277–78
Aliens. <i>See also</i> Immigration and naturalization.	
Admission to bar.....	2131
Chinese Exclusion Case, Act.....	287
Due process, entitlement to.....	1537, 1544–45, 1547, 1552
Education, entitlement to.....	2134–35
Employment restrictions.....	2129, 2134
Equal protection.....	2064–65, 2068, 2128, 2135
Jury service.....	2130
Land holdings, state curbs.....	1814
Police, employment as.....	2132–33
Suits by, against, in federal courts.....	834
Teachers, employment as.....	2132–33
Voting.....	2130
Alliances, States not to enter.....	377–78
Ambassadors, Public Ministers, Consuls:	
Defined, appointment, salary, etc.....	535–37
Reception of foreign ambassadors.....	572
Suits affecting, federal courts.....	785–86
Amendment of Constitution.....	963–80
Amnesty. <i>See</i> Pardons; President, powers.	
Ancestry, as proxy for race.....	2216–17
Anonymity, unsigned materials, distribution.....	1341–42
Anti-injunction statute, state court proceedings.....	687, 862–63
Antitrust laws, monopolies:	
Communications media, application to.....	1265
Equal protection challenges to.....	2089–90
Federal, interstate commerce application.....	211–12, 214–15
Labor unions, application to.....	215
Lobbying activities, application to.....	1235

Antitrust laws, monopolies—Continued	
State, due process, equal protection.....	1854, 2089–90
Appeals, corrective process, civil proceedings.....	1989
Appeals, corrective process, criminal trials:	
Appeals not necessarily required.....	2022–24
Burdening of appellate process.....	2022–23, 2183–85, 2188
Double jeopardy after appeal.....	1479–81
Indigents, imposition of fees, costs.....	2183, 2185, 2188
Prosecution appeals.....	1474–77, 1482–83
Appointments, recess.....	567–71
Appointments Clause.....	539–44, 548–49
Apportionment and districting. <i>See</i> House of Representatives; Legislatures, state.	
Appropriations:	
Required for withdrawal of funds from Treasury.....	375–76
Support of armies, limitations.....	325–26
Arbitration, compulsory, due process.....	1834
Armed forces:	
Appropriations for, limited.....	325–26, 375
Civilians, discharged servicemen, dependents, court-martial jurisdiction.....	332–33
Congress, power to raise and maintain.....	325–27
Conscription, validity.....	326–27
Courts-martial, due process, judicial review, etc.....	329–33, 1547–49
Offenses arising in, trial for.....	330–32
Peacetime draft, validity.....	327
Personnel, federal exemption of insurance, property, state taxation, garnishment.....	329
Speech, other constitutional rights of servicemen.....	327–29
Arms, right to keep and bear.....	1355–58
Arraignment, delay in, effect on confession.....	1512–13
Arrest:	
Fourth Amendment.....	1377–80
Members of Congress, privilege from.....	135
Assembly, right of, privileges and immunities.....	1811–12
Assembly and petition, rights of.....	1349–53
Association, freedom of.....	1156–57, 1159, 1172–86, 1190–93, 1202–05, 1218, 2054
Associations, standing to sue.....	717–18
Attainder, bills of:	
Federal.....	362–66
State.....	379
Attorneys (<i>see also</i> Counsel, assistance of):	
Admission, durational residency.....	2179
Advertising by.....	1254, 1261
Aliens, admission of.....	2131
Bar membership, oaths, loyalty inquiries.....	363, 1156–57, 1168–69, 1192
Integrated bar, First Amendment.....	1183
Solicitation of clients.....	1254
State regulation, attorney practicing in more than one State.....	2084–85
Automobiles:	
Bankruptcy, federal release, preemption.....	297
Jurisdiction, out-of-state motorists.....	1961–62
License revocation, due process.....	1942, 1956
Searches of.....	1376, 1385, 1411–16, 1419–20
Stolen, federal criminal jurisdiction.....	232, 1749

B

- Bail, right to, excessive..... 1689–93
- Ballot:
- Access to, candidates, parties..... 2117–18, 2159–61, 2163, 2188–90
- Bankruptcy:
- Congress, powers as to..... 68–69, 292–97, 1560–62
 - Debtors, eligible for relief..... 292–93
 - Municipal subdivisions, when eligible for relief..... 295
 - Retroactive regulation, due process..... 1560–62
 - State laws, federal recognition of..... 295
 - State laws, preemption..... 295–97
 - State laws, validity in absence of federal..... 296
- Banks:
- Chartering by Congress, effect of necessary and proper clause..... 357
 - Depositors, privacy interest..... 1375, 1918–19
 - State regulation..... 1856–57
- Baseball, not interstate commerce..... 176–77
- Belief, freedom of..... 1113–15, 1166–72
- Bicameralism..... 71
- Bill of Rights:
- Application to States..... 1049, 1051, 1053, 1055–56
 - Formulation and adoption..... 1047, 1049
 - Meaning as applied to Federal Government, States..... 1055–56
 - Unenumerated rights..... 1739–41
- Bills of attainder. *See Attainder, bills of.*
- Bills of credit, States not to emit..... 378
- Birth control, state restrictions, justiciability, validity..... 714, 1740, 1918
- Blood samples, taking of, search and seizure..... 1394, 1427, 1442
- Blue ribbon juries, validity..... 1619
- Blue Sky Laws, business regulation..... 1966
- Borrowing power (federal)..... 173–74, 299–300
- Boundary disputes, suits between states..... 811–12
- Bricker Amendment..... 508, 531
- Bridges across navigable streams, state powers..... 239
- Broadcasting, regulation, First Amendment..... 83, 190, 1266–72
- Burden of proof, due process..... 1985–89, 2007–14
- Burden on commerce. *See Interstate commerce, State powers.*
- Business affected with a public interest..... 1837–39
- Business regulation and due process..... 1853–61
- Busing:
- religious schools, public support for..... 1071–72, 1081, 1085–86
 - school desegregation..... 2100, 2106–08
- C
- Cable television regulations, copyright..... 311
- Campaign finance restrictions, First Amendment..... 1218–23, 1225–33
- Candidacy for elective office:
- Constitutional guarantees..... 940, 1873, 2152–54, 2159–61, 2163
 - Loyalty oaths..... 1194
- Capital punishment:
- Constitutionality..... 1698–1701, 1703–04, 1706–10, 1712–23, 1725–27
 - Diminished capacity:
 - Juveniles..... 1719–21

Capital punishment—Continued	
Diminished capacity—Continued	
Mental retardation.....	1718–19
Habeas corpus, limitations on review.....	1723, 1725–27
Harmless error review.....	1712–13
Individualized consideration.....	1708–10, 1712
Judge, imposition of death penalty by.....	1705
Jurors opposed to death penalty, exclusion.....	1621–24, 1700
Jury factfinding role.....	1706
Limited discretion, jury guidance.....	1704, 1706
Murder, punishment for.....	1703–04
Procedural requirements, aggravating and mitigating facts.....	1706–10, 1712–14
Proportionality.....	1728–33
Racial discrimination, statistical disparity in imposition.....	1721–22
Rape, punishment for.....	1714–16
Standards, legislative.....	1706–11
Unintended taking of life, felony murder.....	1716–17
Victim impact evidence.....	1713–14
Capitol grounds, Washington, picketing on.....	1321
Carriers:	
federal regulation, ICC.....	205–08
state regulation, taxation, commerce clause.....	247–60, 262–71
Cases and controversies, federal courts:	
Actual disputes, requisite to.....	694–97
Adverseness of parties.....	697–98
Collusive, feigned suits.....	698–99
Mootness.....	734, 736–39
Real interest of litigant.....	725–26
Ripeness.....	731–34
Standing.....	700–25
Stockholder suits.....	700
Taxpayer suits.....	703–06
Censorship. <i>See</i> Speech and press, freedom of expression.	
Census.....	120–22
Child labor, state, federal bans.....	229–30, 232–33, 1748, 1830
Children:	
Corporal punishment, schools.....	1736–37, 1929, 1948
Custody, control, natural parent.....	1948, 1986, 2151–52
Exposure to nudity, indecency, protection from.....	1302, 1304–05, 1313–16
Illegitimates.....	2147–48, 2150–52
Pornography, use of children in.....	1310–12
Sex crime victim, testimony.....	1637–39
Cigarettes, state regulations, advertising.....	992–93, 1252
Citizenship:	
Corporations not citizens.....	1809
Definition.....	1807–10
Denaturalization, expatriation.....	283–86, 1809–10
Desertion in time of war, loss of citizenship.....	283–85, 1611
Discrimination between natural-born and naturalized.....	281–83
Diversity cases.....	822–26
Marriage to foreign citizens, loss of.....	284, 1809
National, state citizenship, distinction.....	1808
Naturalized citizens, classes, privileges, etc.....	275–86

Citizenship—Continued

- Privileges and immunities of..... 1810–12, 1814
 Renunciation of..... 283–86
 Slaves, former slaves..... 1807–09
 Voting in foreign elections, loss of..... 284–86, 1809
Civil commitment, institutionalization..... 1929–31, 2036–38
Civil rights. *See also* Racial discrimination:
 Jurisdiction of federal courts..... 778–79
 Private discrimination, federal power over..... 233–35, 1795–97, 2038–39, 2198–2202
 Regulation under commerce power..... 233–35
Civil trials, juries in..... 1671–80, 1682–85
Civil War:
 Habeas corpus suspension..... 361
 Prize cases, legality of blockade..... 323
Clear and present danger..... 1147, 1149–57, 1159, 1165–66
Coal, federal regulation, mining..... 219–20, 1579
Coastal zones:
 Ownership of minerals in..... 949–50
 State regulations of use..... 239, 253, 939
Coining money, congressional power..... 298–99
Collective bargaining, governmental promotion..... 217–18, 220–23, 1833, 1835–36
Comity, accommodation between federal-state judicial systems..... 859
Comity clause. *See* Privileges and immunities of state citizens.
Commandeering of state government..... 1018–21
Commerce. *See* Interstate Commerce; Foreign Commerce.
Commerce Court..... 639
Commercial speech and First Amendment..... 1252–62
Common law, federal..... 826, 828–33
Communications industries, governmental regulation..... 1265–72
Communist Party:
 Compelled registration of..... 1189–90, 1507
 Disqualification for membership in..... 1191–93
 Punishment for membership in..... 1190–91
Commuters, taxation..... 942
Compacts among States..... 422–26
Company town, free speech in..... 1329–31
Compensation Clause, compensation of judges..... 639–40
Competency to stand trial, criminal defendant..... 2014–17
Compulsory process, criminal trials..... 1639–40
Computers and privacy..... 1919–20
Condemnation. *See* Taking of property by government.
Conditional spending, grants-in-aid..... 168, 170–73
Confessions, due process, self-incrimination..... 1510–23, 1525–32
Confidentiality, restraint on publication..... 1298–99
Confrontation, administrative proceedings..... 1939
Confrontation of witnesses, criminal trials:
 Absent witness, prosecution responsibility to produce..... 1629–33
 Background and purpose..... 1629–30, 1632
 Confession, use at joint trial..... 1631–32
 Cross-examination, relation to..... 1629, 1632–33
 Hearsay rule, relation to..... 1629–30, 1632–37
 Sex crime case, protection of child witness..... 1637–39
 Witness plea of self-incrimination..... 1631

INDEX

2767

- Congress (*see also* Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate):
- Adjournments, temporary..... 129
 - Appointing power of President, incursion on..... 539–41
 - Bills, how enacted, authentication..... 144–45, 147–51, 749
 - Concurrent resolutions, uses..... 150–51
 - Congressional veto..... 151–54
 - Journal of proceedings..... 129, 133–34
 - Judicial direction, immunity, limits on..... 105–07, 136–42, 753–56
 - Members of Senate or House of Representatives:
 - Appointment to civil office..... 142–44
 - Arrest, privilege from..... 135
 - Attendance, compulsion of..... 129
 - Compensation, intervening election before change..... 134–35, 2279
 - Conflict of interest..... 132–33
 - Discipline, punishment, expulsion..... 132–33
 - Elections, each House to judge..... 130
 - Elections, state, federal regulation..... 118–22, 124–29, 1218–23, 1225–33, 2222, 2224–28
 - Exclusion..... 114–17, 133
 - Expulsion..... 129, 133
 - Impeachment, inapplicable to..... 617
 - Incompatible offices..... 144
 - Ineligibility for certain offices..... 142–43
 - Qualification, when fulfilled, exclusivity..... 114–17
 - Service in military, reserves, National Guard..... 144
 - Speech or debate privilege..... 136–42
 - Standing to sue..... 719–22
 - Terms of office..... 109–10, 123, 2243–44
 - Powers denied:
 - Attainder..... 362–66
 - Direct taxes..... 368–72
 - Export taxes..... 372–74
 - Ex post facto laws..... 366–68
 - Habeas corpus, suspension of writ..... 360–62
 - Port preferences..... 374–75
 - Titles of nobility..... 376
 - Powers generally:
 - Admission of new states..... 948
 - Bankruptcy..... 292–97
 - Borrowing..... 173–74, 299–300
 - Census..... 120–22
 - Coining money..... 298–99
 - Consent to interstate compacts..... 425
 - Consent to state taxes on imports and exports..... 417
 - Consent to state tonnage duties, etc..... 421–22
 - Copyrights and patents..... 305–07, 310, 312, 314–16
 - Courts, establishment of inferior courts..... 316, 637–38, 842–45
 - District of Columbia..... 347–51
 - Elections for House and Senate, regulation..... 124–29
 - Enforcement of Fifteenth Amendment..... 2220–22, 2224–28
 - Enforcement of Fourteenth Amendment..... 2197–2204, 2206–11
 - Enforcement of full faith and credit among states..... 931–32

Congress (*see also* Contempt; Elections; House of Representatives; Impeachment; Investigations; Public officers of the United States; Senate)—Continued

Powers generally—Continued

Enforcement of Nineteenth Amendment.....	2249
Enforcement of Thirteenth Amendment.....	1793–1800
Enforcement of Twenty-fourth Amendment.....	2271–72
Enforcement of Twenty-sixth Amendment.....	2277
Enforcement of Twenty-third Amendment.....	2269
Federal courts, establishment of inferior courts.....	842–45
Interstate and foreign commerce.....	174–76, 178–212, 214–60, 262–74, 984, 986–98, 1000–02, 1004–10
Investigations.....	94–109
Legislative courts, establishment.....	642–44
Legislative jurisdiction over property.....	351–53
Legislative power generally.....	63
Militia.....	345–47
Naturalization and citizenship.....	274–92
Necessary and proper legislation.....	353, 355, 357–59
Nominations, advice and consent.....	492–93, 537–39, 548–49
Post offices and post roads.....	300–05
Presidential Electors, time for choosing.....	447
Public lands and territories, regulation and disposal.....	954–58
Punishment of counterfeiting.....	298–99
Punishment of piracies, offenses against law of nations.....	316–19
Punishment of treason.....	892
Spending and taxing.....	155–64, 166–68, 170–73
Supreme Court, appellate jurisdiction.....	836–46, 848–52
Treaties, advice and consent.....	492–94, 500–02
War powers.....	319–45
Powers in relation to courts.....	640–42, 644–45, 659–60, 681–84, 686–89, 839–46, 848–52, 862–63

Powers in relation to Executive:

Amnesty, pardon.....	492
Conduct of foreign relations, cooperation with President.....	572–79
Declaration of war.....	321–25, 467–74
Demand for papers.....	559–67
Executive officers, control, direction of.....	549–59, 590–95
Imposition of binding obligations on.....	603–09
Impoundment.....	587–90
Investigations.....	96–97
Military forces abroad, congressional control of presidential discretion.....	467–74
Removal powers, restriction.....	549–59
Veto, when effective, how overridden.....	147–55
Power to define constitutional rights.....	2203–04, 2206–11, 2222, 2224–28
Quorum, how computed, effect of absence.....	105, 130–34, 150
Resolutions, etc., how made effective, status.....	150–51
Revenue bills, origin, amendment.....	144–46
Rules of procedure, determination.....	129
Yea-and-nay votes, entry into journal.....	129, 133–34
Congressional districting. <i>See</i> House of Representatives; States.	
Congressional employees, judicial direction of.....	109, 140–42
Congressional investigations. <i>See</i> Investigations, congressional.	
Congressional Pay Amendment.....	134–35, 966–70, 972, 2279

INDEX

2769

- Congressional veto..... 68, 151–54
Conscientious objection to military service..... 1102–03, 1118, 1541–42
Conscription, Selective Service..... 326–27, 1800
Conservation, state interests, effectuation..... 246, 263–64, 937–40, 1861–65
Constitution, amendment of:
 Congress, proposal by..... 965
 Convention, proposal by..... 966
 Judicial review of..... 964, 970, 972, 977–80
 President, approval not required..... 965
 Ratification..... 966–77
 Referendum not valid means of ratification..... 977
 Scope of power..... 963–64
 State withdrawal of ratification..... 970–77
 Time limits for ratification..... 966–80
Constitutional fact, theory of, judicial review..... 850–51
Constitutional torts..... 615, 778
Contempt of Congress..... 107–09
Contempt of court:
 Administrative agencies, enforcement of orders..... 677–78
 Congress, power to restrict courts..... 668
 Due process limitations on..... 672–76
 Federal courts, powers of..... 665–78
 First Amendment, limitations of..... 670–72, 1151–53
 Impartial tribunal, right to..... 674–76
 Injunctions, court orders, violations of as..... 676–77
 Jury trial, right to..... 673–74, 1611
 Pardoning power of President..... 489–90, 666–67
 Punishment, limitations..... 665–68
 Summary punishment, notice and hearing..... 672–73
Content regulation, First Amendment..... 1272–91, 1293–96, 1298, 1300–17, 1319
Contingent legislation..... 80–81
Contraceptives, access to..... 1740, 1903–04, 1918, 1923–24
Contract, freedom of..... 1825–33, 1835–36
Contractors with Federal Government:
 First Amendment protections..... 1211
 state taxation..... 1026–27
Contracts, impairment:
 by Federal Government..... 1560
 by States..... 385–417
Convict-made goods, barred from commerce..... 1552, 1749
Copyrights and patents..... 305–07, 310–12, 314–16
Corporal punishment in schools..... 1736–37, 1948, 1957
Corporations:
 Chartered by Congress, basis of power, state regulation, taxation..... 358, 776–77, 1021–23
 Charters, termination by State..... 1853
 Charters, when contracts, immune from state impairment..... 393–98
 Citizenship for diversity jurisdiction purposes..... 823–25
 Due process of law, protected as “persons”..... 1537, 1815–16
 Equal protection of law, entitled to..... 2055–56
 Expression, rights of..... 1137–38, 1252–72
 Foreign, appointment of agent for service of process..... 1965
 Foreign, equal protection limitation on taxation, regulation..... 2056, 2077–79
 Foreign, state control of admission, licensing, operation, taxation..... 251, 254–58, 265–68,

Corporations—Continued

Foreign, suability, service of process.....	1853–54
Stockholders' actions, derivative actions, security for costs.....	1980
Suits by, state laws preventing, burdening.....	251
Costs, damages, penalties, state courts, due process.....	1981–85
Counsel, assistance of, civil proceedings.....	1940–41
Counsel, assistance of, criminal proceedings:	
Appointment of, right established in federal courts.....	1641–43
Appointment of, right established in state courts.....	1641, 1643, 1645
Arraignment.....	1658–59
Background, basis.....	1640–41
Capital cases, special circumstances rule.....	1642–43, 1645
Commitment proceedings.....	1667
Critical stage analysis.....	1658–59, 1663–66
Custodial interrogation.....	1516–20, 1659–63
Defendant access to counsel.....	1649
Defendant right to self-representation.....	1657–58
Effective assistance of counsel.....	1648–54, 1656
Grand jury witness.....	1458, 1460
Lineups, identifications.....	1663–66
Misdemeanors.....	1645–46
Parole hearings.....	2029–32
Post-conviction proceedings.....	1666–67
Preliminary hearings.....	1658–59
Prison disciplinary hearings.....	2024–29
Probation revocation.....	2029–32
Retained counsel, right to.....	1646–48
Self-representation.....	1657–58
Summation of counsel, right to.....	1649
Waiver, standards.....	1642–43
Counterfeiting, punishment of.....	299
County governing bodies, apportionment.....	2164–66
County unit system, election of candidates, validity.....	2175
Courthouses, jails, picketing around.....	1321
Court of Claims.....	649–50
Court of Customs and Patent Appeals.....	641, 649–50
Courts (Federal):	
Abolition of by Congress.....	638–39
Accommodation with state courts.....	858–65
Actual dispute requirement.....	694–97
Admiralty, maritime cases.....	200–03, 786–90, 792–802
Adverseness of parties required.....	697–98
Advisory opinions not rendered.....	660, 662, 694–95, 726–27
Ambassadors, ministers, suits affecting.....	785–86
Ancillary, inherent powers.....	665–93
Appellate jurisdiction, congressional power.....	839–46, 848–52
Attorneys in, admission, disbarment.....	692–93
Award of execution, necessity for.....	662–63, 727–28
Bankruptcy courts.....	652–54
Cases and controversies, attributes.....	695–97
Cases arising under Constitution, laws, treaties, federal questions.....	772–74
Cases between a State and citizens of another State.....	816–20

INDEX

2771

Courts (Federal)—Continued

- Cases between a State or its citizens and a foreign state or its citizens..... 834–36
Cases between citizens of different States; diversity jurisdiction..... 820–26, 828–33
Cases between citizens of same State claiming land under grants of different States... 834
Cases between States..... 810–16
Circuit courts..... 638–39
Civil rights statutory jurisdiction..... 778–79
Class actions in..... 738–39, 821
Collective bargaining agreements, suits on..... 777
Common law, federal..... 826, 828–33
Concurrent jurisdiction with state courts..... 852–85
Concurrent jurisdiction with Supreme Court of original jurisdiction matters..... 837–39
Congress, powers over.. 640–42, 644–45, 659–60, 681–84, 686–89, 839–46, 848–52, 862–63
Contempt power..... 665–78
Corporations, citizens for diversity purposes..... 823–25
Declaratory judgments..... 662–63, 727–31
District of Columbia, citizenship of residents for diversity purposes..... 349–50, 821–22
District of Columbia, courts of..... 650–52
Diversity of citizenship jurisdiction..... 820–26, 828–33
Domestic relations cases in..... 823
Duty to decide constitutional cases..... 763–64, 766
Executive privilege, judicial review..... 559–66
Exhaustion of state remedies..... 685, 861–62, 866–67
Federal question jurisdiction..... 772–85
Foreign states, suing in, sued in..... 835–36
Immunity from state court restraint..... 858
Immunity from suit, foreign states..... 834
Immunity from suit, United States..... 805–07
Impeachment of judges..... 617, 619, 622–23
Inferior federal courts..... 637–38, 842–43
Injunctions, judicial power, congressional control..... 599–600, 644–45, 686–89, 845–46,
862–63
Judgments, finality of, requisite..... 660, 662
Judicial review..... 756, 759–64, 766–69, 771
Judicial self-restraint, rules of..... 763–64, 766–69, 771
Jurisdictional amount..... 820–21, 842–43
Legislative courts..... 358, 642–57
Mandamus, issuance by..... 679–80, 759–60
Nonjudicial functions, power of Congress to vest in courts.... 644–45, 660, 662–63, 726–27
Pendent jurisdiction..... 779–81
Political questions..... 515–16, 580–84, 629–30, 744–47, 749–56, 959–60, 967, 971–72,
977–80
President, discretionary acts, review..... 745–47
President, subordinates, power over..... 592–94
President, use of troops to enforce court orders..... 596–600
Probate cases in..... 823
Redistricting power of..... 2167, 2174
Referees, masters, etc., appointment..... 692
Removal of state court cases to..... 358, 774–76, 883–85
Retroactivity of decisions..... 739–44
Rule making powers..... 79–80, 690–92
Specialized jurisdiction..... 640–42
Standing..... 700–25
State court proceedings, restraint of..... 866–70

Courts (Federal)—Continued

- State law in..... 796–802, 826, 828–33
States, immunity from suits in..... 1759–60, 1762–87
States, judgments against, enforcement..... 815–16
States, suits against by citizens of another State..... 816–17
States, suits against by United States..... 804–05, 1767–69
States, suits on behalf of citizens..... 818–20
Stockholder suits..... 700, 823–25
Suits between citizens of different States..... 820–26, 828–33
United States, suits to which a party..... 802–10
Writs and processes, congressional control..... 679–86, 862–63

Courts (State):

- Access to, due process, equal protection..... 1979–81, 2190–92
Admiralty, common law remedies..... 794–802
Autonomy of..... 854–58
Closure to public and press..... 1238–42
Concurrent jurisdiction with federal courts..... 852–85
Consuls, suable in, limitations..... 785–86
Discrimination through enforcement of private actions..... 2043–44
Disobedience of Supreme Court mandates..... 854–56
Federal courts, accommodation with..... 858–65
Federal laws, duty to enforce..... 856–58, 1010–11, 1035–37
Immunity in, congressional conferral..... 1003, 1504
Indian reservations, crimes on, jurisdiction..... 952
Jurisdiction, how obtained..... 1959–70, 1972–79
Naturalization of aliens in..... 275
Nonresidents, access to..... 785–86, 941–42
Nonresident witnesses, attendance..... 942
Removal of cases to federal court..... 358, 774–76, 883–85
Restraint of proceedings in by federal courts..... 866–70
Review of decisions in U.S. Supreme Court..... 782–85
Courts-martial, jurisdiction, review, due process..... 329–33, 340, 1548–49
Creationism, required teaching in public schools..... 1096
Crimes, federal:
 Congressional definition..... 92–93, 355–56, 1598
 Federalism limits..... 195–97
Crimes, infamous, how determined..... 1461–62
Criminal procedure, state, due process..... 1990–98, 2000–36
Criminal prosecutions, federal..... 1457–58, 1460–63, 1597–98
Criminal trials, federal, place of trial..... 1626–28
Cross burnings, First Amendment issues..... 1281
Cross-examination..... 1939
Cruel and unusual punishment..... 1694–1701, 1703–04, 1706–10, 1712–23, 1725–32, 1734–37
 Alcoholism, punishment as crime..... 1729
 Background, interpretation..... 1694–96
 Capital punishment..... 1698–1701, 1703–04, 1706–10, 1712–23, 1725–27
 Citizenship, divestiture of..... 1697–98
 Corporal punishment, schoolchildren, not applicable..... 1736–37
 Drug addiction as crime..... 1728–29
 Prison conditions..... 1734–36
 Proportionality..... 1728–32
 Recidivism statutes..... 1729–31

D

- Death penalty. *See* Capital punishment.
Debtor-creditor relations, due process..... 1942, 1954–55
Debt pooling, adjustment, banning of business..... 1860, 2085
Declaratory judgments in federal courts..... 358, 774–76, 883–85
Defamation:
 Free speech protections..... 1284–91, 1293
 Labor disputes, protection, state jurisdiction..... 1007
Defenses in civil actions, limitations on, due process..... 1981
De jure/de facto distinction, state action..... 2041
De jure—de facto distinction, state action..... 2041–42
Delegation doctrine, legislative power..... 74–94, 336–37, 690–91
Deportation. *See* Aliens.
Desegregation..... 2094–2108, 2110–18
Detainers, observance of by other States, effect..... 919
Die, right to..... 1931–33
Disabled persons..... 1718–19, 1902, 1929–31, 2036–38, 2208–11
Disclosure, mandatory reporting..... 1173, 1182, 1189–90, 1506–07, 1509–10
Discovery, press, defamation cases..... 1292
Discovery in administrative proceedings..... 1939
Discovery in criminal proceedings..... 2002, 2004–07
Districting. *See* House of Representatives; States; Legislatures.
District of Columbia:
 Background of clause..... 347–48
 Citizens of, diversity jurisdiction..... 349–50, 821–22
 Commerce of, congressional power..... 182
 Courts..... 349–50, 821–22
 “Home Rule”..... 348–49
 Presidential electors, vote for..... 2269–70
 Residents of, rights..... 350
 Retrocession..... 348
 Seat of government, congressional powers..... 347–51
Diversity jurisdiction, federal courts:
 Background, reasons for..... 820–21
 Citizenship, how determined, natural persons, corporations..... 822–25
 Citizens of District of Columbia..... 349–50, 821–22
 Class actions in..... 821, 823
 Law applied in..... 826, 828–33
 Manufactured diversity..... 825–26
 State, meaning of in clause..... 821–22
Divorce (*see also* Due process of law; Full faith and credit):
 Access to courts to obtain, filing fees..... 2190
 Durational residency qualification..... 2178
 Out-of-state decrees, full faith and credit..... 906–12
DNA testing..... 2023
Domestic violence, protection of states against insurrection, etc..... 958–60
Door-to-door solicitation, protections..... 1343–45
Dormant commerce clause. *See* Interstate commerce, state powers.
Double jeopardy:
 Acquittal, reprocution..... 1474–77
 Application to States..... 1464–65, 1467
 Civil punishments..... 1467–68
 Collateral estoppel..... 1488

- Double jeopardy—Continued
 Conviction, reprocution..... 1479–83
 Dual sovereign doctrine..... 1465, 1467
 Government appeals, when permitted..... 1474–81
 Mistrials..... 1469–74
 Offense, same, multiple, how determined..... 1483–84, 1486, 1488–90
 Punishment, multiple..... 1483–84, 1486
 Same evidence rule..... 1485
 Same transaction test..... 1488–90
 Sentences, increase after appeal..... 1481–83
 State-municipal prosecution barred..... 1467
- Draft card burning..... 1199, 1346
- Dramatic productions, public, when protected..... 1199, 1317, 1319
- Dred Scott decision..... 1807–08
- Driver's license, suspension, revocation..... 1942, 1956
- Drug testing..... 1427–30
- Dual federalism..... 156, 187–88, 197, 983–84, 987, 1011–13, 1034–35
- Dual sovereign rule, double jeopardy, self-incrimination..... 1465, 1467, 1501
- Due process of law (Fifth Amendment):
 Administrative proceedings, fair hearing..... 1541–42, 1544
 Administrative proceedings, judicial review..... 1547–49
 Aliens, entry, deportation..... 1544–45, 1547, 1552
 Common law actions, abrogation..... 1562–63
 Economic regulation..... 1553–55
 Equal protection incorporated..... 1549–52
 Hearsay..... 1629–30, 1632–33
 Indians, governance..... 186–87
 Legislative power, limitation on..... 1536–38
 Notice and hearing..... 1541–42, 1544
 Police power..... 1552–53
 Procedural due process..... 1539–42, 1544–45, 1547–49
 Public utilities, regulation..... 1553–54
 Railroad regulation..... 1554–55
 Retroactive legislation..... 1558–60
 Retroactive taxation..... 1556–58
 Segregation in District of Columbia schools..... 1550–51
 States, not protected by against United States..... 1537
 Substantive due process..... 1549–63
 Takings, excessive regulation..... 1575–93
 Taxation..... 1555–56
- Due process of law (Fourteenth Amendment):
 Abortion..... 1905–17
 Application of Bill of Rights to States..... 1049, 1051, 1053, 1055–56
 Business enterprises, rates, charges, conditions of service, etc..... 1837–41
 Civil commitment..... 1929–31, 2036–38
 Civil proceedings, jurisdiction, service of process..... 1959–70, 1972–76
 Compelled services, expenditures by railroads, other corporations..... 1849–51
 Confrontation and cross examination..... 1935–36, 1939
 Counsel..... 1940–41, 2000
 Criminal procedure..... 1990–98, 2000–36
 Defenses in judicial proceedings..... 1981
 Economic regulation..... 1819–25
 Emergency conditions justifying summary process..... 1958–59

INDEX

2775

- Due process of law (Fourteenth Amendment)—Continued
- Enforcement, congressional powers..... 2197–2204, 2206–11
 - Exculpatory evidence, prosecution required to disclose..... 2004–07
 - Family relationships..... 1927–29
 - Fraudulent business practices, regulation..... 1854–55
 - Government structure..... 1874
 - Guilty pleas, criminal proceedings..... 2017–18
 - Identification in criminal proceedings..... 1663–66, 1998
 - Impartial tribunal..... 1935, 1937–38, 2000–01
 - Judicial review of rate and service regulation..... 1840–44, 1846–47
 - Jurisdiction, state courts, requisites..... 1959–70, 1972–79
 - Labor management relations..... 1832–33, 1835–36
 - Liberty, meaning, how determined..... 1818, 1948–51
 - Liberty of contract..... 1825–33, 1835–36
 - Marriage, protected status..... 1923, 1926–27
 - Natural resources, protection..... 1861–65
 - Notice and hearing..... 1936
 - Parole, granting, revocation..... 2029–32
 - Personal liberties, substantive protection..... 1900–33
 - Person defined..... 1815–16
 - Plea bargaining..... 2017–18
 - Police power..... 1817–18, 1869–73
 - Police power, exercise as property taking..... 1817–18
 - Presumptions..... 2007–14
 - Prisoners, discipline, transfer..... 1949–51, 2024–29
 - Privacy, protected interest..... 1917–27
 - Process, service of..... 1977–79
 - Proof of crime..... 2007–14
 - Property, meaning, how determined..... 1817–18, 1941–48
 - Prosecutorial misconduct..... 2004–07
 - Public utilities, regulation..... 1847–52
 - Railroads, rate, safety regulation..... 1847–52
 - Real property, ownership, rights..... 1865–69
 - Record, findings based on..... 1940
 - Reputation, as protected interest..... 1945, 1949
 - Requirements of due process..... 1935–37, 1939–41
 - Sentencing..... 2019–22
 - Taxing, state power..... 1875–1900
 - Timing of review: pre-deprivation or post-deprivation..... 1952–59
 - Vagueness in criminal statutes..... 1992–96
 - Zoning..... 1865–67
- Durational residency requirements..... 2154–55, 2176–79

E

- Economic controls, wartime, peacetime..... 333–36
- Economic regulation, due process, equal protection..... 1819–33, 1835–44, 1846–74, 2074–75, 2077–83, 2088–89
- Education, right to:
 - Aliens, illegals, barred..... 2068, 2131–35, 2194
 - Fundamental interest, not..... 2192–94
 - Property tax funding, unequal spending..... 2192–94
 - Religious, public aid..... 1071–91

- Elections (*see also* Congress; Equal protection of the laws; House of Representatives; President; Public officers of the United States; Voter qualifications):
- Absentee voting..... 2158
 - Access to ballot, independent candidates, parties..... 2159–61, 2163
 - Apportionment and districting..... 110–13, 120–22, 2163–74, 2194–95
 - Campaign contribution limitations..... 1182, 1218–23, 1225–33
 - Congressional power to regulate..... 125–30, 2203–04, 2206–07, 2220–22, 2224–28
 - Corporations, spending limits..... 1227–33
 - Expenditures limitations..... 1218–23, 1225–33
 - Presidential, congressional powers over..... 447–51
 - Property qualifications..... 2159
 - State officers, federal use of, penalty..... 128
- Electoral College..... 447–53
- Appointment of Electors by States..... 448–50
 - District of Columbia, electors from..... 2269–70
 - Independence of Electors..... 451–53
 - Separate votes for President, Vice-President..... 1790
- Electronic surveillance, search and seizure..... 1430–37
- Emancipation Proclamation..... 1793
- Emergencies:
- Martial law..... 337–38, 477–85
 - National Emergencies Act..... 467
 - Presidential power generally..... 457–74
 - Price controls, injunctions..... 689
 - Steel seizure case..... 438–39, 603–09
 - Wartime, duration..... 465–67
- Emergency Court of Appeals..... 641, 689, 846
- Eminent domain. *See* Taking of property by government.
- Emoluments..... 376–77, 455
- Employment, public:
- Discharge, interest in retaining, when protected..... 1193–98, 1205–12, 1942–48
 - Loyalty oaths..... 1168–69, 1193–98
 - Patronage systems..... 1180–81
 - Political activities..... 1202–05
 - Residency requirements..... 2179
 - Speech rights..... 1205–12
 - Unions, dues systems, objectors..... 1183–85
- Enemy aliens..... 342–43
- Entanglement. *See* Religion, Establishment Clause.
- Enterprise concept, FLSA coverage..... 224–25
- Entitlements, procedural protections for..... 1935–37, 1939–41, 1943–51
- Entrapment..... 1477–78, 1996–98
- Enumerated powers..... 71–73
- Environment, legislation protecting..... 192–93, 201
- Equal footing doctrine, admitting States to Union..... 948–52
- Equal protection of the laws:
- Affirmative action..... 2118–28, 2144–46
 - Alienage..... 1552, 2064–65, 2068, 2128, 2130–35
 - Apportionment and districting..... 2072–74, 2163–74
 - Ballot, racial distinction on..... 2117–18
 - Ballots, access to, candidates, parties..... 2159–61, 2163
 - Compelling state interest doctrine..... 2062–68
 - Criminal laws..... 2092–93

Equal protection of the laws—Continued	
Disparate impact discrimination.....	2068–74
Economic legislation, classification.....	2083, 2088
Education, not a fundamental interest.....	2192–94
Education, racial discrimination in.....	2094–2109
Electoral process.....	2152–61, 2163–75
Enforcement, congressional powers.....	2197–2204, 2206–11
Federal power, restrained by concept.....	1549–52
Fundamental interests.....	2152–61, 2163–75
Housing, racial discrimination in.....	2115
Illegitimacy.....	2147–48, 2150–52
Indigency.....	2183–85, 2187–94
Intent, need to prove for disparate impact discrimination.....	2068–74
Judicial system, racial discrimination in.....	2117
Juries, racially discriminatory selection.....	2110–14
Marriage, family.....	2117, 2180–81
Motive vs. effects test.....	2068–74
Persons protected.....	2055–56
Police power regulations.....	2074–75, 2077–83, 2088–93
Property tax assessments.....	2082–83
Public accommodations, racial discrimination.....	2117
Public facilities, racial discrimination.....	2116
Racial classifications, discrimination.....	2093–2108, 2110–28
Rational basis review.....	2057, 2059–62
Rational basis standard of review.....	2062
Sex, classification by.....	2135–47
Social welfare legislation.....	2090–92
State action.....	2038–47, 2049–55, 2198–2202
Strict scrutiny review.....	2062–68, 2121, 2123, 2125, 2157–58, 2168, 2192
Tax laws.....	2074–75, 2077–83
Equal Rights Amendment.....	2136–37
Equal time, broadcasters, newspaper right to reply.....	1265–70
Erie doctrine.....	828–33
Espionage laws.....	1132–34, 1187, 1351
Establishment. <i>See Religion, freedom of.</i>	
Ethics in government, financial disclosure, etc.....	547
Evolution, teaching in public schools.....	1096
Excessive bail.....	1689–93
Excessive fines.....	1693–94
Exclusionary rule:	
Confessions.....	1532–33
Search and seizure.....	1437–53
Executive agreements:	
Arbitration agreements.....	523
Binding effects internationally.....	528–29
Congress, prior authorization of.....	520–23
Disposition of United States property by.....	522–23
Domestic effect of.....	529–32
President, conclusion solely on own authority.....	525–29
Trade agreements.....	521–22
Treaties, authorization by.....	523–25
United Nations Charter.....	523–24
Executive orders.....	603–09

Executive power. <i>See</i> President, powers.	
Executive privilege.....	559–67
Ex parte injunctions, expression.....	1142–44, 1324
Expatriation.....	283–86, 1809–10
Exports.....	227–29, 372–73, 417, 419–21
Ex post facto laws:	
Criminal laws, restricted to.....	366
Defined, Congress not to pass.....	366
Denial of future privileges.....	381–82
Deportation.....	367
Extradition, relation to.....	366
Oaths as.....	379, 381–82
Procedure, changes in.....	368, 384–85
Punishment, changes in.....	366–68, 382–84
Punishment, what constitutes.....	366–68
States not to pass.....	379–80
Exposure, purpose of legislative investigation.....	100
Expression. <i>See</i> Speech and press, freedom of expression.	
Expropriation of property of United States citizens abroad.....	601–03
Extradition, fugitive from one State to be returned by another.....	944–47
Extraterritoriality.....	1371–72, 1597–98
F	
Fair Labor Standards Act.....	223–25, 851–52, 1018, 1748
Fairness doctrine, broadcasting equal time.....	83, 1265–69
Fair trial–free press conflict.....	1142–43, 1238–42, 1602–05
Family interests, protected.....	1923, 1927–29, 2117, 2180–81
Featherbedding, prohibition, validity.....	1800
Federal common law.....	826, 828–33
Federal Employers Liability Act.....	209–10, 1683–85, 1773
Federalism:	
Anti-commandeering rule.....	1018–21
Commerce power.....	187–89, 192–99, 233–36
Enforcement of Fourteenth Amendment.....	2203–04, 2206–11
Intergovernmental tax immunity.....	158–60
Spending power.....	168, 170–73
State sovereign immunity, suits in federal court.....	1759–60, 1762–87
Supremacy Clause and Tenth Amendment.....	1011–14, 1016–21
Federalist Papers.....	115–17, 165–66, 236, 319, 348, 493, 574, 1035–36
Federal lands, congressional powers.....	954–57
Federal question jurisdiction, federal courts:	
Admiralty and.....	801–02
Civil rights statutes and.....	778–79
Corporations chartered by Congress, jurisdiction.....	776–77
Defined.....	773–74
Jurisdictional amount.....	615, 778–79
Pendent jurisdiction.....	779–81
Protective jurisdiction.....	781–82
Removal from state to federal court.....	774–76
Specialized federal jurisdictional statutes.....	777
Felony-murder, death penalty for.....	1716–17
Fighting words, proscription, protection.....	1278–80
Filing fees:	
Bankruptcy.....	2190–91

Filing fees—Continued	
Candidacy, political rights.....	2159–60, 2188–89
Civil actions, commencement.....	1980, 2190–92
Criminal appeals, post-conviction relief.....	2183–85, 2187–88
Divorce.....	2190–91
Filled milk, prohibition.....	1552
Fines, excessive.....	1693–94
Fingerprints, criminal investigation.....	1378
Fingerprints, criminal investigations.....	1380, 1394, 1404
Firearms. <i>See</i> Gun control.	
Fish and game, state laws conserving.....	938–39, 1864–65
Flag desecration.....	1346–49
Flag salute, compulsory.....	1118, 1167
Fleeting Expletives.....	1993
Flood control, federal regulation.....	203–05
Food and drugs, federal, state regulation.....	228, 264–65, 1869–71, 2085
Food stamps, eligibility.....	1987–88
Foreign commerce:	
Federal law.....	180–81, 227–29
State law.....	271–74
Foreign relations.....	572–78, 580–84
Forfeiture.....	1144, 1814, 1870–71, 1897, 1977
Limit on punishment for treason.....	892
Foster families, due process protection.....	1928
Freedom of. <i>See</i> Association, Contract, Speech, etc.	
Free Exercise Clause. <i>See</i> Religion, Free Exercise.	
Fugitives, interstate rendition.....	944–47
Full faith and credit:	
Adoption decrees.....	918
Alimony, child custody decrees.....	914–16
Common law, statutory, constitutional, scope of recognition.....	920–29
Congress, power to effectuate.....	898, 931–32
Corporations, foreign, suits against.....	925–27
Corporations, suits against, stockholders, creditors, policyholders, law applied.....	923–24
Divorce decrees, domicile.....	906–16
Fraternal benefit societies, foreign suits.....	924–25
Fraud, defense, enforcement foreign judgments.....	919–20
Garnishment decrees.....	918–19
Judgments, effect in forum State, limits.....	898–906
Judgments, foreign courts.....	932
Judgments, jurisdiction required, enforcement.....	902–06
Judgments, penal, limit on enforcement.....	919
Probate decrees.....	917–18
Statutes of limitations, foreign judgments.....	929
Stockholder's liability, law applied by forum.....	923–24
Taxes, judgment for, enforcement.....	919
Tort and contract actions, law applied.....	927–29
Fundamental rights:	
Abortion.....	1905–17
Bill of Rights, selective incorporation in due process.....	1049, 1051, 1053, 1055–56
Education not fundamental right.....	2192–94
Marriage, family.....	1901–03, 1927–29
Petition, right to.....	1349–51

Fundamental rights—Continued

- Poverty, relation to fundamental rights..... 2183–85, 2187–94
Privacy..... 1917–27
Review standard, strict scrutiny..... 2063–68
Speech and assembly..... 1146–47
Strict scrutiny review..... 2062
Travel..... 2154–55, 2176–79
Voting, political rights..... 2154–61, 2163–75

G

- Garbage, state restriction on interstate movement..... 265–66
Garnishment..... 918–19, 1856–57
Gasoline stations, integrated operations, state regulation..... 268
Gender discrimination. *See* Sex discrimination.
General welfare, spending for..... 164, 166–68, 170–73
Geographic distinctions in regulatory laws..... 2085
Gerrymandering:
 Partisan..... 112–13, 2168–72
 Racial..... 2118, 2167–74, 2219–20, 2225–28
Gifts from foreign state, prohibition on accepting..... 376–77
Good Behavior Clause, judges..... 617, 619, 636
Grand jury:
 Indictment by, Federal cases, exceptions..... 1457–58, 1460–63
 Indictment by, States..... 1458
 Investigative function of..... 1458, 1460
 Selection of, nondiscrimination..... 1461, 2110–14
 Witnesses before, rights..... 1458, 1460
Group libel laws..... 1283–84
Guarantee Clause..... 958–60
Guilt beyond reasonable doubt..... 2008–09
Guilty pleas:
 Acceptance of, waiver of rights, circumstances..... 2017–18
 Plea bargaining..... 2017–18
Gun control..... 1355–58
Gun-Free School Zones Act..... 194–96, 1750

H

- Habeas corpus..... 685
 Appeal, not substitute for..... 686
 Congressional control over..... 360–62, 681–84, 841–42, 848–51
 Constitutional issues reviewable..... 681–84, 871–83, 1446–47
 Courts-martial, habeas review of convictions..... 332
 Custody, meaning..... 684–86
 Exhaustion of State remedies..... 685, 873–80
 Innocence, relevance to issuance of writ..... 876, 878–80
 Post conviction relief, Federal prisoners..... 682, 685
 Res judicata, inapplicability..... 872–74
 Review, retroactivity of constitutional decisions..... 740–42
 Statutory authorization for, necessity..... 681–82
 statutory limitations..... 848
 Suspension of writ..... 360–62
 Use to effect goals other than release..... 682
Harmless error..... 1498, 1623, 1631, 1665, 1710, 1712–13, 2002
Hatch Act..... 1202–05, 1740

INDEX

2781

Hate crimes, hate speech.....	1283–84
High crimes and misdemeanors. <i>See</i> Impeachment.	
Highways, State, use in interstate commerce.....	252–53, 269–70
Historic sites, landmarks, preservation.....	1580–81
Hit and run statutes, compulsory stop and identification.....	1509–10
Homes:	
privacy in.....	1308–10, 1920–23
protection from searches.....	1365–66, 1397–98, 1400
regulation of solicitors, canvassers.....	1343–45
Homosexuals, constitutional protection.....	1922–26, 2181–83
Hostile audience, effect on right of expression.....	1324–25
Hours of labor. <i>See</i> Labor-management relations.	
House of Representatives (<i>see also</i> Congress; Elections):	
Apportionment of seats in.....	120–22
Reduction for denial of suffrage.....	2195
Districting for election to:	
Congressional regulation.....	124–29
Equally populated districts required.....	110–13
Impeachment, powers.....	123, 616–17, 619–26, 628–29
Revenue bills originate in.....	145–46
Vacancies in, election to fill.....	123
Housing discrimination.....	235, 2043–45, 2070–71, 2115
Hydroelectric power, federal development.....	203–05

I

Illegitimacy, classification, discrimination on basis of.....	2064–65, 2147–48, 2150–52
Immigration and naturalization. <i>See also</i> aliens.	
Denaturalization.....	279–83
Deportation.....	291–92, 335–36, 1544–45, 1547
Enemy aliens.....	342–43
Entry, exclusion, grounds.....	275–77, 286–91
Expatriation.....	283–86
Naturalization.....	275–86
Preemption of state regulation.....	275, 289
Immigration and naturalization:	
Denaturalization.....	1809
Deportation.....	1192–93
Entry, exclusion, grounds.....	1200–01
Expatriation.....	1809–10
Immunity from suit:	
Federal officials.....	614–15, 808–10
Foreign States.....	834–36
Government corporations.....	810
President.....	609–14
State judges.....	1782–83
State officers.....	1778–87
Prospective injunctive relief.....	1784–87
Tort liability.....	1787
States.....	1759–60, 1762–87
Abrogation by Congress.....	1774–78
Waiver of immunity.....	1772–74
United States.....	805–07
Immunity:	
Self-incrimination, grant of to compel answers.....	1501–02, 1504

Immunity—Continued

- State courts, federal power to grant in..... 1003, 1501, 1503–04
- Impairment of contracts. *See* Contracts, impairment.
- Impartial jury, criminal trials, right to..... 1618–26
- Impeachment:
- Chief Justice, when presides at trial..... 124, 616
 - Criminal prosecution before or after..... 625–26
 - Grounds for—high crimes and misdemeanors..... 619–21, 628–29
 - Abuse of power..... 628–29
 - Criminal offenses..... 625, 627
 - Judges, subject to..... 617, 619
 - Judgment on conviction: removal, disqualification..... 124
 - Judicial review, political question..... 629–30
 - Officers subject to..... 617
- Impeachment of witnesses in criminal trials, use of otherwise inadmissible evidence..... 1446, 1530–31
- Pardoning power of President inapplicable..... 488
- Implied powers. *See* Necessary and proper legislation.
- Imports and exports..... 227–29, 372–73, 417, 419–21
- Impoundment of appropriated funds..... 587–90
- Income tax..... 2231–41
- Incompatible offices..... 144
- Incorporation doctrine, Bill of Rights..... 1049, 1051, 1053, 1055–56
- Indecent speech, broadcast..... 1269
- Independent counsel..... 70, 556–57, 626–27
- Indians. *See* Native Americans.
- Indictment. *See* Grand Jury.
- Indigency:
- Abortion..... 1910–11, 2194
 - Access to courts..... 2190, 2192
 - Candidacy, voting rights..... 2188, 2190
 - Criminal appeals..... 2185, 2187–88
 - Criminal sentences..... 2188
 - Educational opportunity..... 2192, 2194
 - Equal protection standard for classifications..... 2064, 2068
- Information, citizen access..... 561–62
- Informers, criminal investigations..... 1388–90
- Inherent powers..... 436–39, 603–09
- Initiative and referendum:
- Judicial review, racial discrimination..... 2045–46, 2115
 - Override of zoning variances..... 1867
 - Super-majority for adoption..... 2175
- Injunctions:
- Congressional power over issuance..... 598–600, 686–89, 845–46, 862–63
 - Declaratory judgments and..... 730–31, 868–70
 - Enjoining federal statutory enforcement..... 686–89, 845–46
 - Labor disputes, Norris-LaGuardia Act..... 688, 845–46, 1835
 - Restraining expression, *ex parte* proceedings..... 1142–43, 1324
 - State court proceedings, restraint of..... 866–70
- Innocence, presumption of..... 2007–14
- Insanity:
- Commitment following acquittal by reason of..... 2015
 - Proof, burden, standard..... 2010, 2014

- | | |
|------------------------------------------------------------------------------------|------------------------------------------|
| Insanity—Continued | |
| Trial, sentence, execution..... | 2014–17 |
| Instructions in criminal trials..... | 2002 |
| Insular cases, Constitution abroad..... | 337–38 |
| Insurance, federal, State regulation..... | 176, 178, 244–45, 1857–59, 2075 |
| Intergovernmental tax immunity..... | 158–60, 1746–47 |
| International agreements without Senate approval. <i>See</i> Executive agreements. | |
| International law: | |
| Offenses against, powers of Congress as to, triable by military commissions..... | 316–19,
339–40 |
| President as enforcer of..... | 600–01 |
| Private international law, as basis for full faith and credit..... | 897–98 |
| Prizes of war, application to..... | 339–40 |
| Internet..... | 1313–16, 1327–28 |
| Interstate Commerce Commission..... | 203, 207–09 |
| Interstate commerce: | |
| Congressional powers..... | 174–76, 178–81, 187–212, 214–36 |
| Activity versus Inactivity..... | 198–99 |
| Agriculture as commerce..... | 192 |
| Civil rights..... | 233–35 |
| Criminal law..... | 235–36 |
| Cumulative effects..... | 181–82 |
| Depression, 1930s legislation..... | 217–26 |
| Federalism limits on..... | 187–89, 192–99, 233–36, 1011–14, 1016–21 |
| Interstate vs. foreign commerce..... | 180–81 |
| Intrastate actions “affecting” commerce..... | 181–82, 192–98, 233–36 |
| Labor relations..... | 209, 218, 220–25, 1004–10 |
| Manufacturing as commerce..... | 176, 178, 211–12, 214–15, 217–18 |
| Mining as commerce..... | 176, 178, 192–93, 215 |
| Navigation, waterways, flood control..... | 200–05 |
| Prohibition of commerce..... | 178, 227–32 |
| Tariffs..... | 228–29 |
| Transportation..... | 205–11 |
| Federalism limits on..... | 1751–55 |
| State powers, taxation and regulation..... | 236–60, 262–74 |
| Balancing test, modern standard..... | 262–63 |
| Congressional authorization of impermissible state action..... | 243–46 |
| Dormant commerce clause (burdens on commerce)..... | 236–43 |
| Foreign commerce..... | 180–81, 271–74 |
| Regulation of commerce..... | 250–54, 262–71 |
| State proprietary activity exception..... | 242–43 |
| Taxation of commerce..... | 247–50, 254–60, 262, 250 |
| Apportionment..... | 250, 258–60 |
| Benefit relationship..... | 262 |
| Discrimination..... | 249–50, 260, 262 |
| Nexus..... | 256–58 |
| Interstate compacts..... | 422–26 |
| Intoxicating liquors: | |
| Equal protection, 21st Amendment and..... | 2262–63 |
| First Amendment, regulation of nude dancing in bars..... | 2263–64 |
| Prohibition, federal, adoption, repeal..... | 2245–47, 2257 |
| State regulation and interstate commerce..... | 243–44, 261, 265, 2257–62 |
| Wartime prohibition, federal..... | 1749 |

Inverse condemnation. *See* Taking of property.

Investigations, congressional:

Bill of Rights, applicability to.....	105–07
Contempt sanction, source, procedure.....	107–09
Defenses of witnesses.....	100–07
Exercises of power:	
Investigation of Executive.....	96–97
Investigation of Members.....	97
Legislative purposes.....	98–100
Limitations on:	
Authorization, sufficiency of.....	100–02
Legislative power, extent.....	94–96
Pertinency of inquiry.....	100–05
Purpose.....	98–100
Quorum, lack of, effect.....	105
Involuntary servitude.....	1793–1800

J

Jails, picketing of.....	1322
Japanese-Americans, relocation of, World War II.....	462–63
Jones Act.....	800–02
Journalist's privilege.....	1236–38
Judges, criminal trials, partiality.....	674–76, 1937, 2000–01
Judges, federal (<i>see also</i> Courts, federal; Supreme Court of the United States):	
Abolition of courts, provision for sitting judges.....	638–39
Article III judges, guarantees.....	617, 619, 635–36, 649–50
Article I judges, lack of guarantees.....	642–57
Bankruptcy judges, status.....	652–54
Compensation, guarantee, taxation.....	639–40
Impeachment of.....	617, 619, 622–23
Legislative courts, status.....	642–57
Tenure, removal, other than by impeachment.....	617, 619, 636–37
Judgments, full faith and credit.....	898–920
Judicial power.....	657, 659–60, 662, 664–65
Judicial process, when requisite of due process.....	1934–35
Judicial review:	
Avoidance of constitutional questions in.....	766
Clear mistake, rule of construction.....	766–67
Establishment, origin.....	756, 759–61
Excluded considerations in exercise of.....	767–68
Framers, views on.....	756, 759
Modes of Constitutional interpretation.....	763–64
National supremacy, importance of.....	761–63
Necessity of as due process right.....	1934–35
Preclusion by statute.....	851–52
Presumption of constitutionality.....	768
Self-restraint in exercise of.....	771
Stare decisis in.....	769, 771
Judiciary Act of 1789.....	636–37, 668, 679–80, 682, 686–87, 758–62, 772, 774, 776, 782, 785, 794, 803, 820–21, 825–30, 836, 838, 843–45, 883
Juries:	
Blue ribbon juries, validity.....	1619
Capital sentencing, exclusion of jurors.....	1621–24
Composition, size, unanimity of verdict.....	1607–10

INDEX

2785

Juries—Continued	
Discrimination, racial, selection.....	1619–20, 2110–14
Impartiality requirement.....	1618–26
Vicinage requirement.....	1626–28
Women, exclusion, exceptions.....	1619–20
Jurisdiction:	
Corporations.....	904–05, 1963–70
Defined.....	658, 693–98, 700–34, 736–47, 749–56, 1959–60
Full faith and credit, jurisdiction prerequisite for.....	902–03
In personam.....	903–04, 1960–63
In rem.....	905–06, 1972–77
State courts, how obtained.....	1959–70, 1972–79
Jury service, paid time off private employment.....	1832
Jury trial, civil cases:	
Admiralty.....	795, 1676
Background of right.....	1671–72
Common-law cases, application.....	1674–78
Composition, size.....	1672
Courts in which applicable.....	1673–74
Directed verdicts.....	1682–83
Equity cases, no jury trial, exceptions.....	1678–80
Function of.....	1672–73
Judge, role of, comment on evidence, etc.....	1680–81
Mixed equity-law cases.....	1678–80
Racial discrimination, jury selection.....	2050–51
States, generally not bound.....	1673
Unanimity of jurors.....	1672
Waiver.....	1674
Jury trial, criminal cases:	
Application to States.....	1605–06
Background, rationale.....	1605–07
Capital sentencing, racial discrimination.....	2114
Civil proceedings.....	1611
Contempt trials.....	1611
Factfinding, elements of crime, sentencing factors.....	1612–18
Impartiality, right to.....	1618–26
Absence of bias.....	1620–26
Representative cross section of community.....	1619–20
Voir dire, peremptory challenges.....	1624–26
Juvenile trials.....	1611
Petty offenses.....	1610–11
Place of trial, district in which crime committed.....	1626–28
Racial discrimination, jury selection.....	2051, 2110–14
Size of jury.....	1607–08
Unanimity requirement.....	1607–09
Waiver.....	1606–07
Just compensation.....	1569, 1571–75
Justiciability.....	693–98, 700–34, 736–47, 749–56
Juveniles:	
Death penalty.....	1719–21
offenders, processing of, due process.....	2033–36
Preventive detention.....	1692

K

Ku Klux Klan Act..... 126, 2197–98

L

Labor-management relations:

- Blacklisting, prohibition..... 1834
Child labor..... 179, 229–30, 1831
Compulsory arbitration..... 1834
Employer free speech..... 1264–65
Equal protection challenges to legislation..... 2088–89
Fair Labor Standards Act..... 223–25
Federal regulation..... 220–25
Freedom of assembly to discuss rights..... 1352–53
Hours, wages..... 1830–32
Hours of labor, women, “hazardous” occupations..... 1828–30
Injunctions, federal courts, labor disputes..... 845–46, 1835
Liberty of contract..... 1825–33, 1835–36
National Labor Relations Act..... 221–23
Picketing, regulation, free speech..... 1331–32
Preemption, federal-state power..... 1004–10
Racial discrimination by unions..... 1835–36
Right-to-work laws, state..... 1836
Wages, payment regulated..... 1831–32
Wartime, regulation by President..... 463–64
Workers’ compensation laws..... 797–802, 927–28, 1832–33

Labor unions:

- Dues money, use of by unions..... 1183–85
Governmental promotion, regulation..... 217–18, 1833, 1835–36
Officers, loyalty oaths..... 1154–55, 1171
Picketing, boycotts, speech..... 1331–32
Political activities of, limited..... 1235–36
Speech rights of members..... 1183–86
Unfair labor practices, state regulation..... 1004–10

Landlord-tenant disputes, jury trials..... 1674–75

Leaflets, pamphlets, distribution, speech..... 1340–42

Legal tender. *See* money.

Legislative buildings, grounds, picketing..... 1321

Legislative courts..... 358, 642–57

Legislative power. *See* Congress, powers.

Legislative veto. *See* Congressional veto.

Legislatures, state, apportionment and distributing..... 2163–74

Lend-Lease Act..... 522–23, 579

Letters of marque and reprisal..... 319, 377

Libel. *See* Defamation.

Liberty of contract..... 1825–33, 1835–36

Limitations period. *See* Statutes of limitation.

Line item veto..... 154–55

Lineups, criminal identification procedures..... 1663–66, 1998

Literacy. *See* Voter qualifications.

Litigation, promotion of, carrying on, First Amendment..... 1173–75

Loan-sharking, federal prohibition..... 193

Lobbying, Government regulation..... 1234–35

Lochner era..... 1825–30

INDEX

2787

- Logan Act..... 573–74
Loitering..... 1993–95
Longshoremen's and Harbor Workers' Compensation Act..... 798–800
Lotteries, barring from interstate commerce..... 230–31, 302, 1873
Loyalty oaths, constitutionality of..... 546, 732, 1193–98
Loyalty-security programs, government employment..... 546, 1170–71, 1193–98, 1206–07, 1542–43

M

- Mail (*see also* Post Roads):
 Censorship, exclusion of materials..... 301–03, 1303–04, 1553
 Congress, powers as to..... 300–04, 1553
 Implementation of other powers..... 303–04
 Right to receive..... 303
 State regulations, taxes, affecting service..... 304–05
- Marque and reprisal. *See* Letters of marque and reprisal.
- Marriage:
 Contract clause, marriage contracts not within..... 406–07
 Fundamental right, privacy, attributes..... 1902–03, 1917–24, 1927–28, 2180–81
 Interracial ban, validity..... 1902–03, 2117
- Married-unmarried persons, classification, validity..... 2091–92
- Martial law, nature of, when invoked..... 337–38, 477–85, 598
- Membership in organizations, disqualifications for, oaths related to, inquiries respecting..... 1170–75, 1189, 1194–99
- Mental illness..... 1717–18, 1929–31, 2036–38
- Mental retardation..... 1718–19, 1929–31, 2036–38
- Military draft. *See* Conscription.
- Military forces, use abroad to protect citizens, property..... 467–74, 601–03
- Military law..... 329–33, 1123
- Militia:
 Powers of Congress as to..... 345–47
 Relation to right to bear arms..... 1355–58
 States, powers as to..... 346–47
- Milk, price, purity, marketing..... 225–26, 1870, 2085
- Miranda warning..... 1519–23, 1525–32
- Miscegenation..... 1902–03, 2117
- Money:
 Bills of credit..... 173–74, 378
 Coinage and borrowing power, relation..... 299–300
 Coins, defacement, exportation, power of Congress..... 298
 Counterfeiting..... 299, 355
 Gold, currency, gold clauses in contracts, abrogation..... 173–74, 298, 1560
 Legal tender, power of States as to..... 378–79
 Legal tender, treasury notes as..... 174, 298, 357
 State bank notes, federal tax on..... 357
- Mootness in legal disputes..... 734, 736–39
- Mortgages, state moratoria laws, validity..... 414–15
- Motive vs. effects test of equal protection..... 2068–74
- Motor vehicles, regulation, taxation..... 252–53, 2080–81
- Multimember electoral districts, validity..... 2167–74
- Multistate businesses, interstate commerce, taxation..... 254–60
- Murder, death penalty for..... 1703–04

N

- National Industrial Recovery Act..... 82–83, 218
National Labor Relations Act..... 221–23
National security. *See also* War:
 Electronic surveillance justified by..... 1435–37
 Executive privilege..... 563–67
 President, authority as Commander in Chief..... 456–92
National security:
 First Amendment issues..... 1186–1200
National supremacy, scope of clause..... 761–63, 983–85, 1003, 1010–14, 1016–26, 1028–35
Native Americans:
 Commerce with, congressional powers..... 182–87
 Due process constraints on governance of..... 186–87, 518–19
 Lessees of Indian lands, State taxation..... 1033–34
 “Not taxed,” counting for apportionment..... 119–20
 State taxation of, reservation activities..... 182–86
 Treaties with..... 182–83, 517–19
 Tribes not foreign states..... 836
Naturalization. *See* Immigration and naturalization.
Natural resources, state laws respecting..... 263–64, 937–40, 1861–65
Navigable waters:
 Admiralty jurisdiction..... 795–96
 Congress, regulatory powers, improvement..... 200–05
 Riparian ownership, governmental reservation..... 201–02, 1577
 State ownership of land beneath..... 953–54
 State regulation, validity..... 253
Navy. *See* Armed forces.
Necessary and proper legislation... 191–92, 353, 355, 357–59, 505–07, 539–40, 679–80, 788–90
New Deal legislation, constitutionality..... 217–26
Newsgathering as commerce..... 177
Newspapers (*see also* Speech and press, Journalist’s privilege):
 Contempt for publication..... 670–72
 Exclusion from mails..... 302
 Government regulation of business of..... 1262–65, 1269–70
 Right of reply laws..... 1269–70
 Search and seizure of newspaper offices..... 1238, 1393
Nobility, titles of, not to be granted, accepted..... 376–77
Noise, permissible state interest in limiting expression..... 1342–43
No-knock entrances to search..... 1397–98
Nonresident of State, obtaining jurisdiction over..... 1959–70, 1972–79
Notice, civil proceedings..... 1936
Notice of accusation..... 1628–29
Nudity in films and theater, protected expression..... 1312–13, 1316–17, 1319
- O
- Oath of office, application, powers of Congress as to..... 1035–40
Oaths, loyalty, affirmative, disclaimer..... 1154–55, 1168–72, 1193–98
Obligation of contracts, States not to impair..... 385–417
Obscenity, pornography..... 1143–44, 1300–17, 1319
Oil and gas:
 Interstate transportation, production for interstate sale, federal, state powers..... 210–11
 Rates, federal regulation..... 1553
 State conservation laws..... 1861–62

- One person, one vote..... 110–13, 2163–74
Opticians, ophthalmologists, regulation, classification..... 1861, 2085
Original jurisdiction..... 837–39
Original package doctrine..... 271–72, 418
Origination Clause..... 145–46
Overbreadth..... 1161–62, 1204–05, 1208–09, 1247–48, 1260, 1279

P

- Packers and Stockyards Act..... 215–16
Pardons and amnesties..... 486–92, 849
Parentes patriae suits by states..... 818–20
Parent-child relationship..... 1927–29, 2037–38
Parks, use of for expression, public forums..... 1320–21, 1325
Passports, denial, suspension, due process..... 1191
Patents and copyrights..... 305–07, 310–12, 314–16
Patronage systems, validity under First Amendment..... 1180–81
Pendent jurisdiction..... 779–81
Pentagon Papers case..... 342, 1140–41
Penumbbral rights protected..... 1740
Peonage, validity under Thirteenth Amendment, congressional power to abolish..... 1797–99
Peremptory challenges of jurors, racial discrimination..... 2111–13
Permit systems, parades, demonstrations..... 1322–23, 1325
Person:
 Due Process..... 1815–17
 Fourth Amendment, persons covered by..... 1371–72
 Privileges or immunities..... 1810–12, 1814
Petitioning Congress, right of..... 1351, 1812
Petitioning government, redress of grievances..... 1286, 1349–53
Pharmacies, regulation, right to advertise..... 1253, 1860
Picketing, free expression..... 1331, 1333–40
Piracy, power of Congress to define and punish..... 316–19
Plea bargaining, validity, safeguards..... 2017–18
Pocket veto..... 148–50
Police power:
 Federal, commerce clause basis..... 188–89, 192–99, 233–36, 1747–51
 State, due process limitations..... 1817–18
 State, equal protection limitations..... 2083, 2088
 State, federal restrictions on..... 229–32
Political activity as element of free expression..... 1178–82, 1202–05
Political parties, racial discrimination by..... 2046
Political question doctrine..... 516–17, 580–84
Political subdivisions, constitutional rights..... 1186
Poll taxes, qualification to vote, validity..... 2155, 2188, 2271–72
Polygamy..... 1115
Pornography. *See* Obscenity, pornography.
Portal-to-Portal Act..... 851–52
Port preferences, prohibition..... 374–75
Posse comitatus..... 596–97
Postal service. *See* Mail.
Post Roads..... 300–01
Poverty, classification on basis of..... 2090–91, 2093, 2183–85, 2187–94
Preemption..... 86–87, 183–84, 271–74, 295–97, 314–15, 984–98, 1000–02, 1004–10
Preferred freedoms doctrine..... 1159–60
Pregnancy, classifications based on..... 1987, 2136, 2146–47

- Presentation of bills and resolutions..... 150–55
- President, powers:
- Appoint, remove officers, congressional power to limit..... 436, 442–43, 539–59
 - Approval or veto of bills and resolutions..... 147–55
 - Commander-in-Chief..... 456–85
 - Domestic disturbances in States, suppression..... 484–85, 960
 - Enforcement of law of nations..... 600–01
 - Envoy, special agents..... 537–39
 - Executive agencies, creation, status..... 461–62
 - Executive power generally..... 433–40
 - Exercise of, in person, by agents..... 590–95, 614–15
 - Faithful execution of laws, duty, powers..... 584–603
 - Foreign envoys, reception by President..... 572
 - Foreign relations, conduct of..... 572–78, 580–84
 - Impoundment of appropriated funds..... 587–90
 - Legislative role..... 571–72
 - Martial law, declaration..... 477–85, 598–600
 - Pardons, amnesties..... 487–92
 - Protection of citizens and property abroad..... 467–68, 601–03
 - Recess appointments..... 567–71
 - Recognition of foreign governments..... 575–78
 - Remove officers..... 436, 549–59
 - Seizure of factories..... 603–09
 - Subordinates, control, protection..... 549–59, 590–94
 - Veto, pocket veto, approval of bills..... 147–55
 - War..... 319–25, 456–85
- President:
- Cabinet as adviser of..... 485–86
 - Compensation, restriction on..... 455
 - Creation of office..... 431–33
 - Delegation of shared power to..... 87–88
 - Disability, inability..... 454–55, 2273–75
 - Election, electoral college..... 447–53
 - Executive agreements..... 519–32
 - Executive orders..... 438–45
 - Executive privilege..... 563–67
 - House of Representatives, when selects..... 1789–90
- Presidential Recording and Materials Preservation Act..... 565
- Immunity from judicial direction..... 563–67, 609–14, 745–47
 - Impeachment of..... 616–17, 623–26, 628–29
 - Messages to Congress..... 571–72
 - Oath of office, effect, time of..... 455–56
 - Papers, recordings..... 565–66
 - Qualifications..... 453–54
 - Succession to, vacancy..... 454–55, 2251–52, 2273–75
 - Term, tenure..... 445, 2251–54, 2273–75
 - Term limit..... 2267–68
- Press, freedom of. *See* Speech and press, freedom of expression.
- Pretrial publicity..... 1142–43
- Preventive detention.
- Juveniles..... 1692, 2035–36
- Price controls. *See* “Rent and price controls”.
- Primary elections, subject to federal regulation..... 127

INDEX

2791

- Prior restraints, doctrine of..... 1138–39, 1142
- Prison inmates:
- Access to courts..... 2025–26
 - Access to legal materials..... 2026
 - Basis of rights..... 2025
 - Conditions, cruel and unusual punishment..... 1734–36, 2025–26
 - Counsel, right to..... 2028
 - Discipline, transfers between prisons..... 2028–29
 - First Amendment rights..... 1123–24, 1242–46
 - News media access..... 1244–46
 - Parole, probation revocation..... 2029–32
 - Racial segregation of..... 2026
 - Religious freedom of..... 2025
 - Voting by..... 2158, 2196
- Privacy:
- Abortion..... 1905–17
 - Contraceptive use protected..... 1740, 1903–04, 1918
 - Fourth Amendment protection of..... 1372–76, 1918–19
 - Home, protections in..... 1308–10, 1920–23
 - Marital, family rights..... 1927–29
 - Protection of limited by First Amendment..... 1294–96
 - Theories: informational privacy and personal autonomy..... 1917–27
- Private bills..... 359
- Private entities, validity of delegations to..... 88–91
- Privileges and immunities of national citizenship..... 1352–53, 1810–12, 1814, 2198–2202
- Privileges and immunities of state citizenship:
- Access to courts..... 941–42
 - Access to resources, distinction between residents and nonresidents..... 937–40
 - Corporations, not eligible for protection of..... 937
 - Scope of..... 932, 934–36
 - Taxation, discrimination in..... 942–44
- Prizes of war..... 339–40
- Probable cause..... 1387–90
- Probate:
- Federal courts and..... 823
 - Full faith and credit..... 917–18
- Probation, parole:
- Due process..... 2029–32
 - Fourth Amendment rights..... 1424, 1426–27
- Profanity, public, governmental power to proscribe..... 1278–79
- Professional sports, interstate commerce..... 176–77
- Prohibition, intoxicating liquors..... 2245–47, 2257
- Proof of crime, burden..... 2007–14
- Property, private. *See* Due process of law; Taking of property by government.
- Property power, congressional control of public lands, territories..... 954–58
- Property qualifications for voters, candidates..... 2155–57
- Property tax support of public education..... 2192–94
- Prosecutorial misconduct, due process..... 2004–07
- Public accommodations, racial discrimination..... 188–89, 233–35, 1796–97, 2117
- Public employees:
- Search of offices..... 1424
 - Speech, political rights..... 1202–12
- Public figures, defamation..... 1284–91, 1293–96

- Public forum..... 1320, 1322–28
Publicity:
 Prejudicial, criminal trials..... 2001
 Right to personal..... 1298
Public lands..... 955–57
Public officers of the United States (*see also* President):
 Appointment, confirmation..... 539–49
 Commissions of, issuance..... 615–16
 Creation, qualifications, conduct, congressional regulation..... 535–37, 539–48
 Disqualification for rebellion..... 2197
 Foreign emoluments..... 376–77
 Impeachment of..... 616–17, 619
 Inferior officers, employees..... 541–44
 Loyalty-security programs..... 546
 Political activities of..... 544–46
 Recess appointments..... 567–71
 Removal..... 549–59
 Salaries, congressional termination in order to remove..... 363
 Strikes by..... 546
 Suits against, immunity..... 614–15, 807–10
Public property, legislative jurisdiction over..... 351–53
Public trials, right in criminal cases..... 1238–42, 1602–05
Public use, taking of property..... 1565–69
Public utilities, federal, state regulation, due process..... 1553–54, 1847–52
Puerto Rico..... 957–58, 2131
Punishment of crime, unequal sentences, disproportionality..... 1728–32, 2092–93
Punitive damages..... 1693, 1983–84

Q

- Qualifications for office:
 Members of Congress..... 114–19, 124
 President..... 453–54
Qualified immunity. *See* Immunity from suit.
Quorum, Congress, what constitutes..... 105, 130–34, 150

R

- Racial discrimination:
 Affirmative action..... 2118–28
 Capital punishment, discriminatory application..... 1721–22
 Commerce power as source of federal legislation..... 233–35
 De jure/de facto segregation..... 2041–42
 Disparate impact of facially neutral laws..... 2068–74
 District of Columbia schools, Fifth Amendment..... 1550–51
 Enforcement of prohibition, congressional powers.. 2197–2204, 2206–11, 2220–22, 2224–28
 Equal protection and race generally..... 2093–2108, 2110–28
 Gerrymandering..... 2167–74, 2219–20
 Intent to discriminate..... 2041, 2069–74, 2104–05
 Jury selection..... 1619–20, 2110–14
 Labor unions..... 1835–36
 Political parties..... 2046, 2218, 2221
 Prisons..... 2026
 Public accommodations..... 233–35, 2117
 Segregation of schools..... 2094–2109
 Suspect classification, equal protection..... 2062–64

INDEX

2793

- Racial discrimination—Continued
 Voting..... 2215–22, 2224–28
- Radio. *See* Broadcasting.
- Railroad Retirement Act..... 220
- Railroads (*see also* Carriers; Labor-management relations):
 Compelled services, expenditures..... 399–400, 1849–51
 Federal rate regulation, due process..... 1554–55
 Full crew laws..... 252, 1851
 Interconnection of tracks, authorization..... 206
 Intrastate rates, federal regulation..... 208–09
 Property, state taxation, apportionment..... 248–49
 Rate regulation, state..... 251, 1840–44, 1846–47
 Safety regulations..... 252, 1851, 1860
 State owned railroads, federal regulation..... 1013
- Rape:
 child witness and defendant's right to confrontation..... 1638–39
 Death penalty for..... 1715–16
 victim's privacy interest..... 1296
- Ratification of Constitution..... 1041
- Rational basis standard of review..... 2057, 2059–62
- Real property, state regulation, zoning, succession to..... 1578–93, 1865–69
- Reapportionment of congressional districts among states..... 120–22
- Reasonable doubt standard..... 2007–09
- Recess appointments..... 567–71
- Recusal..... 1938–39
- Redistricting, congressional districts..... 110–13, 2163, 2165
Redistricting, state legislative districts..... 2163–74
- Re-examination of jury factfinding..... 1681, 1685
- Registration, compelled, self-incrimination..... 1506–07, 1509
- Regulation, when a taking..... 1818
- Religion, Establishment Clause..... 1070–1103, 1105–10
 Access of religious groups to public property..... 1096–98
 Bus transportation, parochial school students..... 1071–72, 1081, 1085–86
 Chaplains in Congress, armed forces..... 1095, 1103–04
 Child benefit theory..... 1072–73, 1080–81
 Church disputes, judicial role..... 1068–70
 Colleges, universities, religious, assistance to..... 1088–89
 Conscientious objection, military service..... 1102–03, 1118
 Construction grants, colleges..... 1088–89
 Delegation of governmental power to churches..... 1109–10
 Entanglement test..... 1065, 1067, 1073–80, 1090
 Evolution, teaching, public school, ban..... 1096
 Exemption of religious organizations from general laws..... 1100–01
 Financial assistance to church-related schools..... 1071–91
 Government observances..... 1103–04
 Grants to religious organizations for public (e.g., social welfare) purposes..... 1090–91
 Mandated school tests, etc, public purchase..... 1079–80
 Neutrality..... 1068–70
 Oaths as test for office..... 1194
 Prayers, Bible readings, public schools..... 1092–96
 Primary secular purpose and effect tests..... 1065, 1067, 1073–91
 Public property, use for religious displays..... 1105–08
 Released time..... 1091–92

- Religion, Establishment Clause—Continued
School supplies, loans to students..... 1077–78, 1080–81
Sunday closing laws..... 1101–02
Tax exemptions, religious property..... 1099–1100
Textbooks, loans to private school students..... 1072, 1080–81
- Religion, Free Exercise Clause..... 1110–28
Accommodation of religious practices..... 1111–13
Child labor laws..... 1113
Clergy, disqualification for public office..... 1128
Compulsory school attendance laws..... 1120–21
Compulsory vaccination..... 1113
Conscientious objection, military service..... 1102–03, 1118
Criminal law, general applicability, religious practices..... 1114–15
Flag salute, public schools..... 1118, 1167
General secular requirements, religious exemption..... 1117–28
Military regulations..... 1123
Neutrality..... 1068–70
Oaths, religious test..... 1128
Parks, other public places, use by religious groups..... 1117
Peyote use, criminal proscription..... 1114–15
Polygamy, bigamy..... 1113–15
Prison regulations..... 1123–24
Religious Freedom Restoration Act..... 1126–27
Social Security taxes, exemption denied..... 1121
Solicitation, proselytizing..... 1103, 1116–17
Sunday closing laws, exemption for non-Christian..... 1118–19
Unemployment compensation, denial to Sabbatarians, other religious objectors.... 1119–20
Vouchers for private school education..... 1074–75, 1087–88
- Religion, general principles:
Background, history..... 1061–64
Belief-conduct distinction..... 1113–15, 1124–25
Conscience, freedom of..... 1061, 1063, 1110
“Religious People” characterization..... 1092
Separation of church and state..... 1064–65
- Relocation of Japanese Americans, WWII..... 462–63
- Removal, power of President to remove officers..... 549–59
- Removal of cases from state to federal court:
Cases concerning federal officers, employees..... 883–84
Civil rights cases..... 884–85
Generally, validity, circumstances..... 358, 774–76, 883–85
States may not limit, burden..... 824–25
- Rendition of fugitives, interstate extradition..... 944–47
- Rendition of slaves..... 947–48
- Rent and price controls..... 334–35, 641, 689, 1559, 1837–44, 1846–47
- Reply, right of, newspapers..... 1269–70
- Republican form of government, nature, scope..... 958–60
- Reputation, protected interest..... 1284–86, 1289–91, 1293, 1949
- Required records doctrine..... 1505–06
- Reserved powers..... 1745–55
- Residency, durational requirements..... 1814, 2176–79
- Residency, state requirements generally..... 934–35, 1987
- Residential picketing..... 1334
- Restrictive covenant cases..... 715, 2043–44, 2115

- Retroactivity, prospectivity of judicial decisions..... 739–44
Retroactivity of legislation..... 1558–60
Revenue, bills for raising *See* Origination Clause.
Reverse discrimination *See* Affirmative action.
Right-privilege distinction..... 1192–93, 1205–07, 1942–43
Rights, public vs. private distinction..... 645–49
Rights. *See* entry describing nature of right (assembly, petition, etc.).
Rights retained by the people, Ninth Amendment..... 1739–41
Right-to-work laws, state, preemption..... 1005, 1836, 2088–89
Ripeness, justiciability..... 731–34

S

- Safety regulations, preemption..... 987
Savings bonds, federal overriding of state regulations..... 1022
Schools, public. *See also* Education, Racial discrimination, Religion, Teachers:
 Busing for desegregation..... 2100, 2106–08
 Bus transportation generally..... 2194
 Compulsory public education..... 1213, 1901–02
 Desegregation..... 2094–2109
 Evolution, creationism, teaching of..... 1096
 Foreign language, ban on teaching..... 1901–02
 Free speech in..... 1213–18, 1326
 Prayers and religious exercises in..... 1092–96
 School buildings, picketing of..... 1323
 Searches of students in..... 1422–24
Schools, religious:
 Public aid to..... 1071–91
 Vouchers for use in attending..... 1074–75, 1087–88
Searches and seizures:
 Administrative inspections..... 1380–85
 Airport stops..... 1407
 Alcohol, firearms inspections..... 1381
 Arrests, other detentions:
 Lawfulness, when warrant required..... 1377–80
 Search incident to..... 1407–12
 Automobiles..... 1376, 1385, 1411–16, 1419–20
 Background, scope..... 1365–72
 Body searches..... 1394–95
 Border searches..... 1419–20
 Buses, search of passengers..... 1405–06
 Business records, when protected..... 1396
 Consent searches..... 1417–18
 Contraband, evidence, property subject to seizure..... 1393–97
 Drug testing..... 1427–30
 Electronic surveillance..... 1372–73, 1430–37
 Exclusionary rule..... 1437–53
 Extraterritorial application..... 1371–72
 Fingerprints, other objective evidence..... 1380, 1394
 First Amendment considerations..... 1391–93
 Fruit of the poisonous tree..... 1380
 Government offices..... 1424
 Grand juries, inapplicability of Fourth Amendment..... 1458–59
 Habeas corpus, when search and seizure issues reviewable..... 877, 1446–47
 Informants, tips, when sufficient for probable cause..... 1388–90

Searches and seizures—Continued

- Interests protected..... 1372–76
 Legislative investigations..... 107
 Mere evidence rule..... 1393–94
 National security electronic surveillance..... 1435–37
 No-knock entrances..... 1397–98
 Open fields doctrine..... 1420–21
 Plain view doctrine..... 1421–22
 Prisons, probation..... 1424, 1426–27
 Privacy, protection of..... 1372–76
 Property, protection of..... 1372–73
 Random stops, check points, automobiles..... 1385, 1419–20
 Reasonableness, meaning..... 1367–71
 Schools, searches of students, athletes..... 1422–24, 1428–29
 Seizure of person..... 1404–06
 Standing to contest search and seizure..... 1451–53
 Stop and frisk (Terry stop)..... 1401–07
 Subpoenas, likened to search warrants..... 1396–97
 Testimonial evidence, self-incrimination..... 1395–97
 Thermal imaging..... 1374
 Vessels, search of..... 1416–17
 Warrants:
 Exceptions to warrant requirement..... 1367–71, 1400–04
 Execution of warrants..... 1397–98, 1400
 Issuance, neutral magistrate..... 1386–87
 Particularity in warrants..... 1390–93
 Probable cause..... 1387–90
 Use, obtaining..... 1367–71, 1385–98, 1400
 Wired informers..... 1418
 Wiretapping..... 1372–73, 1430–37
- Seat of government. *See* District of Columbia.
- Seditious libel..... 1130, 1132–33, 1277–78
- Segregation. *See* Racial discrimination.
- Self-incrimination:
- Accusatorial system preservation, rationale..... 1490–92, 1517–18
 Alibi defense, compelled pretrial disclosure..... 1499
 Compelled waiver..... 1496
 Compulsion required, nature of..... 1496–97
 Confessions..... 1510–23, 1525–32
 Corporations, privilege not available to..... 1493–94
 Delay in arraignment..... 1512–13
 Discharge from public employment for asserting privilege..... 1496
 Dual sovereign rule..... 1501
 Exclusionary rule..... 1517–19, 1532–35
 Gambling, firearms, registration, reporting..... 1506–07, 1509–10
 Hit-and-run reporting statutes..... 1509–10
 Immunity grants to compel testimony..... 1501–02, 1504
 Incriminating disclosures..... 1492–93
 Infamy, harm to reputation, not protected..... 1500
 Interrogation, police questioning..... 1510–23, 1525–32
 Miranda warnings..... 1519–23, 1525–32
 Constitutional status of requirement..... 1521
 Public safety exception..... 1531–32

Self-incrimination—Continued	
Miranda warnings—Continued	
Waiver.....	1529–30
Presumptions.....	1499–1500
Prison disciplinary hearings.....	1498
Privacy rationale.....	1491–92, 1509–10
Prosecutor’s comment on defendant’s failure to testify.....	1497–98
Registration requirements.....	1506–07, 1509
Reporting and disclosure requirements.....	1506–07, 1509–10
Required records doctrine.....	1505–06
States, privilege applicable in state courts.....	1501, 1513–16
Tax returns.....	1506–07, 1509
Testimonial disclosures, limited to.....	1495–96
Waiver.....	1496, 1529–30
Writings, compelled production.....	1495–96
Self representation in criminal proceedings.....	1657–58
Senate:	
Direct election of members.....	2243–44
Qualifications of members.....	124
Trial of impeachments.....	124
Sentencing, convicted criminal defendants:	
Appeals, corrective process.....	2022–24
Capital cases.....	1698–1701, 1703–04, 1706–10, 1712–23, 1725–27
Counsel, assistance of.....	1666–67, 2020
Deferred, probation, reimposition.....	2020
Disproportionate length.....	1728–32
Habitual offenders.....	1729–31, 2019
Insane defendants.....	2014–17
Jury sentencing, bifurcation, capital cases.....	1704, 1706
Presence reports, disclosure.....	2019
Resentencing on retrial, limitations.....	2021–22
Sentencing Commission, delegation of authority to.....	70, 85
Separate but equal doctrine.....	2094–97
Separation of church and state. <i>See</i> Religion, general principles.	
Separation of powers, doctrine of.....	63–70, 78–79, 109, 136–37, 144–45, 147–55, 319–25, 362–63, 385, 440–45, 460–61, 467–74, 519–20, 525–29, 549–59, 563–67, 580–84, 587–90, 592–94, 603–15, 629–30, 639–40, 642–45, 647–48, 652–54, 657, 744–47, 749–56, 839–46, 848–52
Severability of unconstitutional sections of statutes.....	769
Sex, materials about, pornography.....	1300–17, 1319
Sex discrimination:	
Age of majority.....	2138
Alimony.....	2139–40
Equal protection standards.....	2064, 2137–38
Government benefits.....	2141–43
Jury service.....	2139
Liquor regulations.....	2139
Military service.....	2143–44
Pensions, survivor’s benefits.....	2141–43
Pregnancy.....	2146–47
Unwed fathers/mothers distinction.....	2140–41
Voting, women’s suffrage.....	2249–50
Sexual orientation, discrimination on basis of.....	2181–83
Sexual privacy.....	1904–05, 1922–27

- Sexual psychopath laws, commitment..... 1930–31
Shopping centers, picketing in..... 1329–31
Shreveport Doctrine..... 208–09
Sit-ins..... 1329
Slavery and involuntary servitude..... 1793–1800
 Abolition..... 1793–97
 Citizenship of former slaves..... 1807–08
 Peonage..... 1797–99
 Prohibition inapplicable to jury duty, military service..... 1799–1800
 Public indemnification for loss or emancipation of slaves prohibited..... 2196
 Rendition of fugitives..... 947–48
 Slave trade permitted prior to 1808..... 359–60
 State representation in House, Electoral College, three-fifths rule..... 119–20
 Voting not to be abridged on basis of previous servitude..... 2215
Smith Act..... 1153–54
Social Security:
 Benefits, termination..... 1954
 benefits, termination..... 1953–54
Soldiers, quartering in homes, prohibition..... 1361
Sound trucks, demonstrations..... 1342–43
Sovereign immunity. *See* Immunity from suit.
Special prosecutor..... 553–54
Speech and press, freedom of expression:
 Absolutist view of protection accorded..... 1159–60
 Adoption, background..... 1128–30, 1132–34
 Advertising..... 1251–62
 Advocacy..... 1133–34, 1144–47, 1149–51, 1153–54, 1165–66, 1187–91, 1199–1200
 Anonymity, printed materials..... 1341–42
 Antitrust laws, communications media..... 1265
 Application to States..... 1129, 1133–34
 Association, freedom of..... 1156–57, 1159, 1172–86
 Balancing..... 1154–57, 1159
 Beliefs, affiliation..... 1166–72, 1190–93
 Benefits, privileges, withdrawal..... 1192–93
 Books, periodicals..... 1144, 1252, 1303–04
 Broadcast media, regulation..... 1265–69
 Campaign finance restrictions..... 1182, 1218–23, 1225–33
 Charitable solicitation, professional fundraisers..... 1343–45
 Children..... 1213–17, 1302, 1304–05, 1310–16
 Clear and present danger..... 1144–47, 1149–57, 1159–66
 Commercial speech..... 1252–62
 Communications industries, regulation..... 1265–72
 Communist Party membership..... 1156–57, 1159–60, 1189–93
 Confidentiality requirements..... 1298–99
 Contempt of court..... 1151–53
 Content of expression, limitation based on.. 1202, 1272–91, 1293–96, 1298, 1300–17, 1319, 1322–25
 Contributions, campaign funds..... 1182, 1218–23, 1225–33
 Copyrights..... 313
 Defamation..... 1137–38, 1284–91, 1293
 Disorder, unrest, speech result..... 1324–25
 Door-to-door solicitation..... 1343–45
 Draft card burning..... 1199, 1346

Speech and press, freedom of expression—Continued	
Public employees, expression rights.....	1205–12
Public employees, political activities.....	1202–05
Public forum, public places.....	1320, 1322–28
Publicity right, press coverage.....	1298
Reporter's privilege.....	1236–38
Residential picketing.....	1334
Right-privilege distinction.....	1205–07
Schools, speech rights of students.....	1213–17
Sedition, seditious libel.....	1277–78
Sexually explicit, non-obscene expression.....	1312–17, 1319
Shopping malls, company towns as quasi-public forums.....	1329–31
Smith Act.....	1153–54, 1187–89
Sound trucks.....	1342–43
Speech-conduct distinction.....	1160, 1345–49
Spending power, conditions on receipt of federal grants.....	1246, 1248–51
Students.....	1213–18
Symbolic speech.....	1345–49
Syndicalism laws.....	1149, 1165–66, 1187, 1278
Taxation.....	1262–64
Tax exemptions, denial for speech.....	1193
Threats of violence.....	1280–82
Time, place, manner regulations.....	1316–17, 1322–23, 1334, 1336–40, 1343, 1346
Vagueness.....	1161, 1196–97, 1248, 1278–79, 1286, 1333, 1343–44, 1347
War effort, interference with.....	1147, 1149, 1199–1200
Speech or debate, privilege of Members of Congress.....	136–40
Speedy trial, right in criminal cases.....	1598–99, 1601–02
Spending for general welfare.....	164, 166–68, 170–73
Standards, requirement for valid delegation.....	81–86
Standing to sue in federal courts.....	700–25
Standing to sue:	
suit by organization on behalf of members.....	712
Stare decisis.....	769, 771
State action, Fourteenth, Fifteenth Amendments:	
Basis of doctrine.....	2038–41, 2220–21
Congressional enforcement, whether limited by.....	2220–22
Courts, enforcement against private discrimination.....	2042–47, 2049–55
Discriminatory application, enforcement.....	2041–43
Lessee of property in public building.....	2046–47
Private clubs, liquor licenses.....	2047
Private discrimination, encouragement by official action.....	2046
Public function.....	2049–50
Repeal of antidiscrimination laws.....	2045–46
Tax privileges, public funds, discrimination by recipients.....	2052–53
States:	
Admiralty, maritime matters, state legislation.....	796–802
Admission to Union on equal footing.....	948–54
Agreements, compacts with other States.....	422–26
Boundary disputes between, suits.....	811–12
Contracts, not to impair obligations.....	385–417
Disputes over water rights between.....	812–13
Domestic violence, federal protection against.....	958–60
State secrets, political questions.....	581–82

INDEX

2801

- State secrets, political questions—Continued
- Electors, presidential, power to control..... 448–50
 - Employees, federal labor laws applied to..... 187, 1013–14, 1016–21, 1751–53
 - Equal footing, admission on terms of..... 948–54
 - Federal facilities and instrumentalities, jurisdiction over..... 353, 1021–23
 - Immunity from federal taxation..... 158–60, 1746–47
 - Immunity from suit..... 1759–60, 1762–87
 - Instrumentalities, activities, federal regulation, taxation..... 1751–55
 - Legislatures, apportionment, districting..... 2072–73, 2163–74
 - Navigable waters, rights to soil beneath..... 953–54
 - Officers of:
 - Federal laws, duty to enforce..... 1035–40
 - Injunctions, restraint of enforcement of invalid laws..... 862–63, 866–70, 1778–87
 - Political activities of, federal restraints on..... 169, 1203
 - Salaries, federal taxation..... 1746–47
 - Patents and copyrights, regulation..... 314–16
 - Powers denied or limited:
 - Attainder, bills of..... 379
 - Bills of credit..... 378
 - Contracts, impairing obligation..... 385–417
 - Duties on imports or exports..... 417, 419–21
 - Ex post facto laws..... 379–85
 - Interstate compacts..... 422–26
 - Keeping troops..... 422
 - Legal tender restriction..... 378–79
 - Tonnage duties..... 421–22
 - Treaties, alliances, confederations..... 377–78
 - War..... 421
 - Republican form of government, guarantee..... 958–60
 - Reserved powers..... 1745–55
 - Statutes of limitations, due process constraints..... 1984–85
 - Steel seizure case..... 438–39, 603–09
 - Sterilization, compulsory..... 1902, 2066, 2093
 - Stop and frisk..... 1401–07
 - Strict scrutiny..... 1202, 1313, 1348–49, 2062–68
 - Suffrage, as fundamental right..... 2066, 2152–61, 2163–75
 - Suicide, ban on physician assistance, due process..... 1933
 - Sunday closing laws..... 1101–02, 1118–19
 - Super-majority requirements in referenda..... 2175
 - Supremacy Clause..... 494–500, 983–85, 1003, 1010–14, 1016–26, 1028–40
 - Supreme Court of the United States:
 - Adequate and independent state ground, review of state court decisions..... 782–85
 - Advisory opinions not rendered..... 660, 662–63, 694–95, 726–27
 - Appeal, certiorari..... 685–86, 765, 782
 - Appellate jurisdiction, congressional exceptions..... 839–46, 848–52
 - Concurrent jurisdiction with lower federal courts..... 852–54
 - Disobedience of orders by state courts..... 854–56
 - Finality rule, review..... 782–83
 - Impeachment of Justices of..... 617, 619, 622
 - Legislative courts, appellate jurisdiction over..... 645
 - Original jurisdiction of..... 785–86, 810–16, 836–39
 - Size, internal organization, sessions..... 636–37
 - State court decisions, review of..... 782–85

Supreme Court of the United States—Continued

- Supervisory power over lower federal courts..... 668, 673–74, 676, 1442–44
 Suspect classifications..... 2063–66

T

- Take Care Clause, faithful execution of laws..... 584–609
Taking of property by government..... 1575–93
 Appropriation of property by government..... 1576–77
 Consequential damages..... 1573–74
 Contracts, frustration of performance..... 1573
 Corporation, franchise, taking of..... 1573
 Courts, role of..... 1574–75, 1591–93
 Delegation of power to private parties..... 1565
 Destruction of property in wartime..... 343–44
 Destruction of property to save other property..... 1587
 Just compensation..... 1569, 1571–75
 Interest as component..... 1571–72
 Navigable waters, improvements to..... 1577–78
 Physical invasion of property..... 1576, 1585–86
 Police power, taking, no taking..... 1575–93
 Property interests protected..... 1572–73
 Public use..... 1565–69
 Regulation, when a taking..... 1575–93
 Diminution of property values..... 1578–80
 Historic preservation..... 1581
 Investment-backed expectations..... 1580–82
 Noxious uses of property..... 1584–85
 Partial regulatory takings..... 1574
 Substantial advancement of legitimate governmental interest..... 1588
 Zoning..... 1579–80
 Source of power..... 1563–64
 States, limited by clause..... 1564–65
 States, property of subject to federal taking..... 1564
- Tariffs. *See* Taxation, federal.
- Taxation, federal:
- Capital gains, computing income tax on..... 2237–38
 Corporate dividends, when taxable..... 2233–35
 Corporate earnings, when taxable..... 2235–37
 Debts, payment..... 168
 Deductions, exemptions..... 2240–41
 Direct, apportionment, defined..... 368–71, 2231–32
 Discriminatory, due process..... 1555–56
 District of Columbia..... 371–72
 Excises, defined, uniformity..... 368–69
 Exports from States..... 372–74
 Federal judges, salaries, subject to..... 156
 Gift..... 1555–57
 Illegal income..... 2239–40
 Income..... 370–71, 2232
 Inheritance..... 371
 Punishment of state law violations by..... 1750
 Purpose of taxation—paying debts..... 168
 Purpose of taxation—spending for general welfare..... 164, 166–68, 170–73

- Taxation, federal—Continued
- Regulation by..... 161–64
 - Retroactive..... 1556–58
 - State instrumentalities, activities, income of..... 1751–55
 - State officers, salaries..... 158–59, 1746–47
 - Tariffs..... 81, 229
 - Uniformity..... 160–61, 368–72
- Taxation, state:
- Airplanes, fuel..... 257–58
 - Assessments, notice and hearing..... 1894–96
 - Burden, excessive..... 1875
 - Carriage of persons, interstate commerce..... 238, 248
 - Chain stores..... 1890, 2075
 - Classification, differential treatment..... 2075, 2077
 - Collection of..... 1896–98
 - Congress, legislation on state taxation of interstate commerce..... 243–46
 - Contacts, “nexus” test..... 256–58
 - Corporations, foreign, domestic, different tax treatment..... 2077–79
 - Corporations, foreign, engaged in interstate commerce..... 247–50, 255–60, 1891
 - Corporations, personality..... 1884–85
 - Corporations, stock, when taxable..... 1889–90
 - Estate and inheritance..... 1885–89
 - Exemptions, revocation..... 391–93, 403–06
 - Exports..... 271–74, 417, 419–21
 - Favoritism of certain industries..... 2075–76
 - Federal employees, salary..... 1028–29
 - Federal instrumentalities, immunity..... 1024–26, 1028–34
 - Forfeiture of land for taxes..... 1897–98
 - Franchise..... 1889
 - Franchise, corporation, interstate commerce..... 250, 255
 - Freight, transported interstate..... 239–40, 247–50
 - Gift..... 1885–89
 - Gross receipts, companies in interstate commerce..... 248–49, 255–56
 - Imports, foreign, domestic..... 417, 419–20
 - Income..... 1890–91
 - Income, nonresidents..... 942–44, 2077–79
 - Inheritance, estate, gift, transfer..... 1885–89, 2079
 - Insurance..... 244–45, 1892–93, 2075
 - Interest on unpaid taxes..... 1897
 - Interstate and foreign commerce..... 236–60, 262–71
 - Apportionment, interstate business..... 250, 258–60
 - Congressional authorization..... 243–46
 - Discrimination, impermissible..... 249–50, 255–56, 260, 262
 - Dormant commerce clause doctrine..... 236–46
 - Nexus requirement..... 256–58
 - State proprietary exception..... 242–43
 - Jurisdiction to tax..... 1878–93
 - Laches..... 1899–1900
 - Liens for taxes..... 1897
 - Motor vehicles..... 252, 2080–81
 - Multiple taxation test..... 250, 258–60
 - Notice and hearing, when required..... 1893–94
 - Peddlers, drummers, imports..... 240

Taxation, state—Continued	
Personalty, tangible, intangible.....	1880–85
Privilege, corporation, measure.....	1889–90
Privilege taxes on importers.....	419
Property, assessments, equal protection.....	2081–83
Public purpose in taxation.....	1875–76
Real property.....	1879–80
Remedies, contesting taxes.....	1899
Retroactive.....	1876
Sales.....	261, 2077
Solicitation of out-of-state orders.....	254–55, 257
Special assessments.....	1894–96, 2082–83
Suits to restrain collection.....	862–63
Transfer.....	1885–89, 2079–80
Tax benefits, suits to compel withdrawal.....	703–06, 2052–53
Taxing and spending power.....	155–64, 166–68, 170–73, 1246, 1248–51, 1773, 2265
Taxpayers' standing to sue.....	703–06
Tax records, privacy interests.....	1495–96
Teachers, First Amendment rights.....	1148, 1196–98, 1206
Televising of criminal trials.....	1605
Television. <i>See</i> Broadcasting.	
Term limits:	
Members of Congress.....	115, 118–19
President.....	2267–68
Territories:	
Acquisition of by conquest, provision for.....	475
Congress, powers as to.....	957–58
Constitutional guarantees in.....	957
Courts of.....	642–46, 957–58
Diversity of citizenship, suits in federal courts.....	821–22
Textbooks:	
Loans to religious school students.....	1071–72, 1080–81
Loans to segregated private schools.....	2054
Three-judge federal courts.....	864–65
Time, place, and manner regulation:	
Congressional elections, federal legislation.....	124–29
Religion.....	1121–22
Speech.....	1316–17, 1322–23, 1333–40, 1343, 1346
Titles of nobility.....	376–77
Tonnage duties, States not to lay.....	421–22
Topless dancing.....	1317, 1319, 2263–64
Trade agreements.....	521–22
Trademarks.....	316
Trade names, restraint on use.....	1255
Trade secrets, state protection.....	315
Trading stamps, regulation, bar.....	1856, 2089–90
Transcripts, criminal trials, indigents.....	2186
Transportation, racial discrimination in, banned.....	233–34, 2115–16
Travel, international, right of.....	1191
Travel, interstate, burdening, forbidding.....	188–89, 2067, 2176–79
Treason, definition, evidentiary requirements, penalty.....	620–21, 885–92

INDEX

2805

<p>Treaties (<i>See also</i> Executive agreements, National supremacy; President, powers; Native Americans; War):</p> <ul style="list-style-type: none"> Congress, implementation, when required..... 500–02, 504–05 Congress, legislation concerning..... 354, 505–07 Constitutional limitations on power..... 507, 509–12 Indian tribes, treaties with..... 517–19 Interpretation, political question..... 516–17, 745, 748–49, 754–55 Law of the land, effect on state laws..... 494–99 Negotiation, Presidential monopoly..... 493–94 Ratification, role of Congress..... 493–94 Self-executing, when..... 504–05 States not to enter into..... 377–78 Statutes, federal, conflict..... 503–04 Termination, lapse, how, by whom..... 512–17 Treatment, right of mentally ill to..... 1929–31 <p>Troops:</p> <ul style="list-style-type: none"> Quartering in homes, prohibition..... 1361 States, prohibition on keeping..... 422 	<p>U</p>
<p>Unconstitutional conditions..... 1193, 1943</p> <p>Unenumerated rights..... 1739–41</p> <p>Uniformity of taxes..... 160–61</p> <p>United States:</p> <ul style="list-style-type: none"> Immunity from suit, waiver..... 805–07 Instrumentalities, corporations, immunity from suit..... 807–10 Liability for torts of employees..... 806, 810 Officers of, state taxation, regulation..... 1028–29 Prior debts valid..... 983 Property of, ceded by States, powers, conditions..... 955–57 Property of, disposition, congressional authorization..... 954–57 Property of, jurisdiction over, limits, duration..... 351–53 Property of, residents on, rights..... 351–52, 2155 <p>Utilities, advertising, regulation..... 1255</p> <p>Utility service cutoffs, due process..... 1944, 2048</p>	<p>V</p>
<p>Vacatur:</p> <ul style="list-style-type: none"> remedy for mootness, limitations..... 734 <p>Vagrancy laws, vagueness, validity..... 1993–95</p> <p>Vagueness in statutes:</p> <ul style="list-style-type: none"> Due process..... 1992–96 First Amendment..... 1161, 1196–97, 1248, 1278–79, 1286, 1333, 1343–44, 1347 <p>Venue, change of, criminal trials..... 1621</p> <p>Vessels:</p> <ul style="list-style-type: none"> Interstate commerce..... 200–03 Navigable waters, State licensing, regulation..... 253 Taxation, State jurisdiction..... 1880–81 <p>Veterans' preference laws..... 2071</p> <p>Veto. <i>See</i> President, powers; Congressional veto.</p> <p>Vice President:</p> <ul style="list-style-type: none"> Electoral College, separate vote for President, Vice President..... 1790 President of Senate..... 124 Succession to presidency..... 454–55, 2251, 2267–68, 2273–75 	

Vietnam War, litigation over in Federal courts.....	324–25
Violence Against Women Act.....	196–97, 2202
Voter qualifications:	
Age.....	2153–54, 2204–05, 2277
Durational residency.....	2178, 2204–05
Felons, disenfranchisement.....	2196
Literacy.....	2203–04, 2218–19, 2223–25
Military service, discrimination based on.....	2155
Political party affiliation, primary elections.....	2157–58, 2218
Poll tax.....	2155, 2188, 2271–72
Property ownership.....	2155–57
Race.....	113, 2215–22, 2224–28, 2271–72
Residency.....	2154–55
Residents of federal enclave.....	352, 2155
Sex.....	2249–50
Voting, paid time off private employment.....	1831
Voting, right to.....	2152–61, 2163–75
Voting Rights Act.....	114, 128, 662, 2203–05, 2223–28
Vouchers.....	1074–75, 1087–88

W

War (<i>see also</i> Delegation of power; International law; President; Japanese-Americans, relocation):	
Constitutional rights in wartime.....	337–45
Declaration of, by Congress.....	321–25
Eminent domain, property destroyed, liability.....	343–44
Law of war:	
Enemy saboteurs.....	480–81
War crimes.....	482
Legislation during, following.....	333–36
Powers as to, source, scope.....	319–21
President versus Congress.....	319–25, 467–74, 603–09
Prizes of war, laws applicable.....	339–40
Relocation of Japanese Americans, WWII.....	462–63
War Powers Resolution.....	324
Warrants. <i>See</i> Searches and seizures.	
Water, state conservation laws.....	246, 264
Watergate scandal.....	553–54, 611–12
Waterways, transportation, commerce.....	200–05
Welfare assistance, status as property.....	1942–44
Wheat, production of for own consumption, federal regulation.....	226
White primary cases.....	2046, 2218, 2221–22
Wiretapping.....	1430–37
Women. <i>See</i> Sex discrimination.	
Workers' compensation laws. <i>See</i> Labor-Management relations.	
Wrongful death actions, maritime accidents.....	801–02

Y

“Yellow-dog” contracts.....	221, 1834
-----------------------------	-----------

Z

Zoning:	
Adult theatres, bookstores.....	1316–17
Restrictions on property generally, due process.....	1865–67

INDEX

2807

- Zoning—Continued
 Takings, claims of..... 1579–80

